THE

Parliamentary Register;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF LORDS;

CONTAINING AN ACCOUNT OF

The most interesting SPEECHES and MOTIONS; accurate Copies of the most remarkable LETTERS and PAPERS; of the most material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FIRST SESSION of the SEVENTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XXX.

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I N D E X

TO THE

D E B A T E S

IN THE

HOUSE OF LORDS.

VOLUME XXX.

Roman

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TO THE

SPEAKERS' NAMES.

VOLUME XXX.

Porchester,

THE
HISTORY
OF THE
PROCEEDINGS AND DEBATES
OF THE
HOUSE of LORDS,

In the FIRST SESSION of the Seventeenth Parliament of GREAT BRITAIN, Appointed to be holden at WESTMINSTER, On THURSDAY the 25th of NOVEMBER, 1790.



Thursday, 25th November, 1790.

THIS day, about two o'clock, His Majesty came to the House, in the usual state, and being robed and seated on the throne, the Commons were sent for, and being at the bar,

The Lord Chancellor signified, in the usual form, that it was His Majesty's command, that the Commons return to their own House, and elect a Speaker.

His Majesty then went to unrobe.

As soon as His Majesty retired, and the noble Lords who attended him to his coach came back into the House, their Lordships adjourned to unrobe, and the House being resumed, the Lord Chancellor went to the table, and was sworn singly; after which the Lords present took the oaths, and subscribed their names to the test roll.

The Lord Chancellor being informed, that several Lords were in waiting in order to be introduced, notice was given

to the proper Officers, and the ceremony of introduction was performed in the usual manner.

The House adjourned.

Friday, 26th November.

This day, His Majesty came to the House, in his usual state, and being seated on the throne, Sir Francis Molyneux, Gentleman Usher of the Black Rod, was sent to the Commons, to command their immediate attendance; and being returned with the Speaker, and a considerable number of Members,

The Speaker addressed His Majesty to the same effect as the usual form and purport of the speech made from the bar of the House of Peers, by the Speaker, on his informing His Majesty, that in obedience to His Majesty's commands, signified the preceding day, his loyal and faithful Commons had proceeded to the choice of a Speaker, and that their choice had devolved on him, who was but too conscious of his imperfections.

The Lord Chancellor replied in the usual terms, only adding, in His Majesty's name, that the election of the Speaker by the present House of Commons to that high office which he had held in the same House in the late Parliament, had confirmed His Majesty in the good opinion he had before entertained of the Speaker's abilities and qualifications.

This ceremony over, His Majesty addressed both Houses of Parliament in a most gracious speech. [Vide Commons Debates, Vol. XXVIII.]

His Majesty then retired, and the House was adjourned during pleasure to unrobe, and being resumed, several Lords took the oaths.

The Lord Chancellor then reported His Majesty's Speech; and the same having been recited, in an audible manner, by the reading clerk,

Earl Poulet.

Earl *Poulet* rose, and congratulated their Lordships on the dissipation of those appearances of approaching war, which had lately been entertained; and especially on the circumstance of the differences which had subsisted between Great Britain and the Court of Spain, being adjusted in such a manner, as to obtain for this country a suitable reparation for the injury done, and to remove the grounds of similar disputes in future. The happy issue of the negociation would, his Lordship said, open new sources of commerce to the known spirit, industry, and enterprize of British merchants. This fortunate change of prospect in our affairs, his Lordship ascribed to the prudent and necessary measures of His Majesty's Ministers, who had given a striking proof of their ex-

ertion, by the vigorous preparations for arming, that had taken place, and in consequence of which, so powerful a fleet as we had lately afloat, was enabled to put to sea in a very short period of time. He declared, that Ministers by such wise conduct were entitled to the highest applause from their country. He rejoiced in the zeal and public spirit that had been universally manifested by British subjects, and was happy to hear that the disposition and conduct of His Majesty's allies had left no room to doubt of the most effectual support, conceiving that every man who knew the true interests of his country must feel a peculiar satisfaction in the consideration that the objects which His Majesty had in view, had been attained without any actual interruption of the blessing of peace.

His Lordship farther congratulated the House on the appearance of a probability of a general peace in Europe, as the result of His Majesty's mediation, in conjunction with his allies, for the purpose, of negotiating a definitive treaty between Austria and the Porte, of endeavouring to put an end to the dissentions in the Netherlands, and of employing the weight and influence of this country in contributing to the restoration of general tranquillity. His Lordship thought the paternal regard expressed by His Majesty for the interests of his people, and his declaration that it was painful to his feelings to see any increase of the public burthens, called for their Lordships most grateful acknowledgement, and had no doubt but they would readily concur in assuring His Majesty of their zeal and alacrity to cooperate with the other House of Parliament, in making due provision for the charge incurred by the late armament, and for supporting the several branches of the public service, on such a footing as the general situation of affairs might require, and of their determination, invariably to persevere in that system, which had so effectually confirmed and maintained the public credit of the nation.

With regard to India, his Lordship said, it could not but afford the House great satisfaction to learn, that the British Government established in that quarter of the globe had been conducted on such wise and prudent principles, that the most favourable prospect was afforded of bringing the contest that had arisen in India to a speedy and successful conclusion. His Lordship added some farther declarations of his conviction, that the House would readily agree with him in assuring His Majesty of their loyalty and attachment, and their zealous desire to support His Majesty in his endeavours to preserve and transmit to posterity the blessings of our free and excellent constitution, and to concur with him in every measure, which could maintain the advantage of our present

ſituation, and promote and augment the happineſs of his people. He concluded with moving an addreſs, beginning with a condolence on the death of the Duke of Cumberland, and then proceeding in the terms of His Majeſty's ſpeech to aſſure His Majeſty of the ſteady ſupport of that Houſe.

Earl of Hardwicke.

The Earl of *Hardwicke* ſeconded the addreſs. He began with declaring, that after the many pertinent and pointed obſervations that their Lordſhips had juſt heard on the ſubjects of His Majeſty's moſt gracious ſpeech, from the noble Lord near him, it would be unneceſſary for him to detain their Lordſhips with more than a very few words on the ſubject. He then inſiſted on the happy proſpect of a continuance of peace, and the great advantage that this country, under its preſent circumſtances, muſt neceſſarily derive from ſuch a fortunate turn of affairs, which he aſcribed wholly to the wiſdom of His Majeſty's Councils, and the vigour of the meaſures which Miniſters had adopted to enable Great Britain to prepare againſt the worſt, and be ready for war, ſhould war unfortunately have proved to be unavoidable. The events of war, he reminded their Lordſhips, were, in the nature of things, uncertain, and even could we have been aſſured of a ſucceſsful war, we might, after years ſpent in infinite waſte of blood and treaſure, have been glad to ſit down and reſt from ſuch a conteſt. The paſſions of men, his Lordſhip obſerved, were but too apt to mix with their politics; and it was impoſſible to foreſee the extent to which hoſtilities once commenced, would have been carried, or the degree of difficulty that Great Britain might have had to encounter from a conflict, which might have been ſwelled to an exceſs of danger by the multiplication of our foes, rendered ſuch by circumſtances and time. Thoſe who regarded the conceſſions from Spain as light and trivial, did not properly weigh all the relative grounds upon which the negotiation originated, nor judge correctly of the value of its amicable termination. It was not merely a trade to Nootka Sound, neither was it the ſouthern whale fiſhery, valuable as both thoſe objects undoubtedly were, that were at ſtake, but an object of infinitely greater magnitude and importance. It was no leſs than the general commerce of Great Britain. No man, he truſted, in that aſſembly was ſo ſhallow a politician, or ſo ignorant of the intereſts of his country, as not to know that upon the preſervation of the honour of the Britiſh flag every thing dear to us as a commercial nation depended. What but that could protect the enterpriſing and unarmed merchant in every quarter of the globe? Who therefore but muſt rejoice at the termination of a difference, which afforded ſo ſubſtantial a topic of national exultation? He truſted, on theſe conſiderations, that expenſive as the late armament might

might have been, no man would think it an expence that had been unneceſſarily incurred. Without a powerful armament, and without ſhewing to all the world the ſpirit, the firmneſs, and the ability of the Government of this country, at all hazards, to maintain the national honour, it was obvious that the great objects in negotiation could not have been obtained; the expence, therefore, he could not but conſider as a wiſe one; and he flattered himſelf that in voting the addreſs unanimouſly, and carrying it to the throne, their Lordſhips would not only communicate to His Majeſty their own ſenſe, but alſo that of all the people of Great Britain.

The motion having been read,

Earl *Stanhope* thus addreſſed their Lordſhips: my Lords, I do not riſe to oppoſe the addreſs moved and ſeconded by the noble Lords, nor any part of it. I do not riſe, my Lords, to detract from adminiſtration any credit they may have acquired by the negotiation with Spain; neither do I riſe to applaud them, as I am not yet in poſſeſſion of ſufficient information to do either with propriety. No perſon can rejoice more heartily at the preſent proſpect of peace, which is held out to us, than I do, nor more ardently wiſh for a continuance of it, being thoroughly convinced that its conſequences are of the utmoſt importance to the proſperity of the country; but I do aſſert, my Lords, that if we have ſecured that peace, it is to be attributed, not to any wiſdom or foreſight on our part, but, under divine providence, to the revolution in France; and I am ſure that nothing could tend more to make it permanent, than a ſteady and well formed alliance with that great and free country.—Now, my Lords, if peace is the end that we mean by our preſent endeavours, we ought not to neglect, but, on the contrary, ſeek for, and cheriſh every means that may attain that end. But, my Lords, I riſe to draw the ſerious attention of your Lordſhips to a very extraordinary ſubject, a monſtrous libel againſt the King of England; for a libel againſt the King of England I certainly muſt call a publication that has lately appeared amongſt us. This performance, my Lords, for when I allude to a late publication, I do not mean a poem, which ſome people may think, becauſe in my humble opinion poetry requires no anſwer—this book is no anonymous work; it comes from no ordinary or obſcure perſon, but is the avowed production of a perſon of eminence, of a name well known;—of no leſs a man than one who was formerly firſt Miniſter of State in a neighbouring kingdom;—of Monſieur Calonne, late Miniſter of France.—If your Lordſhips will give me leave, I ſhall mention now what I conſider as a libel

Earl Stanhope.

libel on the King of England, and on this country; and I ſhall ſtate the effects which this publication has already occaſioned in France. Monſieur Calonne ſays, my Lords, ſpeaking of ſomething like a civil war, which he pathetically recommends, that the attempt he ſpeaks of will meet with the ſupport and encouragement of every crowned head in Europe, which certainly includes the King of England. I ſay, therefore, that it is a manifeſt and ſcandalous libel on this country; and what no perſon here would ever dare to aſcribe to His Majeſty, who has always ſhewn the pureſt love for his people, and for the happineſs of his country.

I would not have preſſed this ſo much upon your Lordſhips, continued Earl Stanhope, merely becauſe I heard that this book had occaſioned ſedition in France, but, ſince I came to town, I have had letters from that country confirming that intelligence. We all know, my Lords, that there are Scotch and Iriſh in France; are we then to allow them to become the ſacrifices to this atrocious work? If there are any in this Houſe, if there are any in Adminiſtration, who countenance ſuch proceedings, it is full time that they ſhould be known and pointed out to us and to the public, that we may know why and for whom we are to ſpill the blood of our countrymen, and expend their treaſures. My Lords, no man in this country dare aſcribe motives to the King of England, far leſs intentions, of ſuch pernicious tendency. Are we then to ſuffer this by a ſtranger? I ſee one noble Lord in this Houſe who has declared that he never will forſake his King; I truſt, therefore, he will protect his King from malicious ſlanders and villainy. I conſider every poſſible means that can tend to attach and connect this country with France, as productive of the moſt ſalutary conſequences; and that if the wiſhed-for alliance were completely eſtabliſhed and confirmed, where is there a power to be found that could rival us? I likewiſe maintain, my Lords, that every ſtep that may alienate or ſeparate the intereſts of the two countries, or inflame the minds of the inhabitants in either country againſt thoſe in the other, to be of the moſt ſeriouſly deſtructive nature. I ſhall at preſent content myſelf with having mentioned this circumſtance, which I truſt will ſoon meet with your Lordſhips moſt deliberate conſideration.

As ſoon as Earl Stanhope ſat down, the Lord Chancellor put the queſtion upon the motion for the addreſs, when it was declared, that the contents had it *nemine diſſentiente*.

A Committee was immediately appointed to draw up the addreſs, who ſoon returned with it, when it was read a firſt and ſecond time, and ordered to be preſented by the whole Houſe.

The

The *Lord Chancellor* left the woolsack, and reminded their Lordships, that only thirteen Peers were on the return list as representatives of the Peerage in Scotland; but that there had been more candidates, whose claims and qualifications were questioned, and which must consequently be subject to future investigation; that it would of course be necessary to have some proceeding on the subject, otherwise those electors who had voted for the candidates, the return of whom was not made, and who had an undoubted right to give their votes for representatives of the Scottish Peerage, would have reason to complain, that their privileges had not been treated with proper attention by the House. His Lordship said, the subject had excited the notice of the House so early as the year 1700, when, upon consideration, their Lordships had manifested their opinion, that the matter ought not to be left at large, and wholly indefinite in point of time. Upon that ground it was, that he then thought it his duty to state the matter to the House, not intending to follow what he said, with any motion at present, but merely meaning to give notice, that on Wednesday next, with their Lordships permission, he should move that the receipt of petitions of those Peers of Scotland claiming a seat, as duly chosen of the sixteen representatives of the Scotch Peerage, be limited to three weeks from that day. In the year 1780, his Lordship said, the House had given nineteen days from the day of the motion, and as a week or eight or nine days of the session had passed before the motion was made, their Lordships would find that adding the days of the present session that would have passed by Wednesday, to three weeks from that day, the period in the present instance would be much about the same with the time allowed in 1780, and it would, he trusted, be considered as a reasonable allowance of time by all parties.

Lord Chancellor.

The House adjourned.

Wednesday, 1st December.

This day, their Lordships waited on His Majesty, with the following Address:

The humble Address of the Lords Spiritual and Temporal, in Parliament assembled.

Most gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, in Parliament assembled, return your Majesty our humble thanks for your most gracious speech from the throne.

Permit us, Sir, to condole with your Majesty on the loss your Majesty and your Royal Family have sustained, by the death of his

Late

late Royal Highness the Duke of Cumberland, whose many amiable qualities, as they had endeared him to the Nation, cannot but excite universal regret for his untimely loss.

It is with the sincerest joy that we receive from your Majesty the information of the differences which had subsisted between your Majesty and the Court of Spain, have been happily brought to an amicable termination; and at the same time that we offer to your Majesty our hearty congratulations on so happy and important an event, we beg leave to return your Majesty our thanks, for having been graciously pleased to order copies of the Declarations exchanged between your Majesty's Ambassador and the Minister of the Catholic King, and of the Convention which has since been concluded, to be laid before us.

We acknowledge, with the highest gratitude, your Majesty's paternal care for the national honour, and for the interests of your people, manifested by your Majesty, in having, in the whole of this transaction, made it your object to obtain a suitable reparation for the act of violence committed at Nootka, and to remove the grounds of similar disputes in future, as well as to secure to your Majesty's subjects the exercise of their navigation, commerce, and fisheries, in those parts of the world which were the subject of discussion.

We are truly sensible of the approbation your Majesty is graciously pleased to express of the zeal and public spirit manifested by all ranks of your Majesty's subjects; and we learn with sincere pleasure that the disposition and conduct of your Majesty's allies had left your Majesty no room to doubt of the most vigorous and effectual support: but we most heartily unite with your Majesty in declaring, that nothing could afford us so much satisfaction as the attainment of the objects which your Majesty had in view, without any actual interruption of the blessings of peace.

We beg leave to assure your Majesty of the sincere pleasure we feel in learning that a foundation has been laid for a pacification between Austria and the Porte, and that your Majesty is now employing your mediation, in conjunction with your allies, for the purpose of negotiating a definitive treaty between those Powers, and of endeavouring to put an end to the dissentions in the Netherlands, in whose situation your Majesty, in your great goodness, has been pleased to declare you are necessarily concerned, from considerations of national interest, as well as from the engagements of treaties; and we beg leave to assure your Majesty of our hearty concurrence in the benevolent principles on which your Majesty has hitherto acted, and in such measures as your Majesty, in your wisdom, shall think proper to pursue for employing the weight and influence of this country in contributing to the restoration of general tranquillity.

Convinced as we are that the extent of the late preparations was dictated by a due regard to the existing circumstances, we reflect with the highest pleasure on so striking a proof of the advantages

derived

derived from the liberal supplies granted since the last peace, for the naval service; and we beg leave to assure your Majesty of our utmost readiness to concur in making due provision for defraying the charges incurred by this armament, and for supporting the several branches of the public service, on such a footing as the general situation of affairs may appear to require, as well for the invariable adherence to that system which has so effectually confirmed and maintained the public credit of the Nation.

The interruption which has taken place in the tranquillity of our Indian possessions, in consequence of the unprovoked attack on an ally of the British nation, has afforded us much concern; we reflect, however, with sincere satisfaction, on the respectable state of the British force under the direction of the Government there, and on the confidence in the British name, which the system prescribed by Parliament has established among the native Powers in India, as affording the most favourable prospect of bringing the contest to a speedy and successful conclusion.

We beg leave to assure your Majesty, that we shall bestow the most particular attention to the state of the province of Quebec; and to the consideration of such regulations for its government as the present circumstances and condition of the province may appear to require.

Conscious as we are of the inestimable blessings we enjoy under your Majesty's mild and auspicious Government, we beg leave with grateful hearts to assure your Majesty of our most zealous and affectionate attachment, and of our firm reliance on your Majesty's most gracious assurances of your desire to cultivate an entire harmony and confidence between yourself and your Parliament, in which we shall ever most cordially unite, for the purpose of preserving and transmitting to posterity the invaluable blessings of our free and excellent constitution, and of concurring with your Majesty in every measure which can maintain the advantages of our present situation, can promote and augment the prosperity and happiness of your Majesty's subjects, or can evince the just and grateful sense we entertain of your Majesty's paternal regard and watchful care for the rights, interests, and welfare of your faithful people.

To which address, His Majesty was pleased to return the following most gracious answer:

My Lords,

I return you my thanks for this dutiful and loyal address. Your condolance on the loss I have sustained, by the death of my late brother the Duke of Cumberland, is an additional proof of your attachment to my person and family.

Your congratulations on the amicable termination of the differences which had subsisted between me and the Court of Spain, are extremely acceptable to me; and your concurrence with my wishes to cultivate the utmost harmony between me and my Parliament, is

an additional satisfaction to me, as affording the best grounded hopes of preserving inviolate our excellent constitution, and of course contributing essentially to the general prosperity of my subjects.

Thursday, 2d December.

Nothing material.

Friday, 3d December.

The Lord Chancellor reported His Majesty's answer to the Address of that House, and the same having been read by his Lordship, the Address and Answer were ordered to be printed.

A petition was presented by the Earl of Abercorn, complaining of an undue return of Scots Peers. The petition being read, was ordered to lie on the table.

The House adjourned.

Monday, 13th December.

Before the order of the day was read,

Earl of Kinnoul.

The Earl of *Kinnoul*. My Lords, before we proceed to the discussion of the very important subject of the late dispute and negotiation with the Court of Spain, I conceive it to be not merely necessary, but essential to our proper understanding of the conduct of Ministers, that there should be laid on the table other information than that which I find there. We are to be called on to examine the negotiation with no other documents to guide our inquiry than His Majesty's message, the declaration and counter declaration, and the convention. Pending the negotiation, some colourable argument might be adduced for refusing to expose what Ministers might deem confidential papers; now that the negotiation has finally terminated, and the convention is ratified, I conceive that Ministers can have no reason for withholding from the eye of your Lordships such information as may enable you to do your duty to your country. The proposition is so self evident that I cannot anticipate a sound objection, and I therefore move your Lordships,

"That an humble address be presented to His Majesty, " praying that he may be graciously pleased to give directions, that all memorials presented to and received from " the Court of Spain, from the 10th of February last, inclusive, to the 28th of October, relative to the late dispute between the Courts of Great Britain and Spain, on " the subject of the ships captured in Nootka Sound, and the " negotiation that followed thereupon, be laid before this " House."

The Duke of *Montrose* could not agree with the noble Earl in the necessity that there is for the production of such papers,

papers. If I were aware, said his Lordship, that in the discussion of the subject which is the order of the day, the information already before your Lordships was not ample and sufficient, I should be ready to second the noble Earl's motion; but, my Lords, I conceive that we have before us all that His Majesty's Ministers can properly present to the House, and all that can be necessary for the purpose of this day's discussion. I therefore must give my negative to the noble Earl's motion.

The Earl of Kinnoul persisting in the propriety of the motion,

The question was put, and it passed in the negative.

The order of the day was then read for taking into consideration the declaration and counter-declaration, and convention.

The Duke of *Montrose* again rose. I now rise, my Lords, to fulfil a very honourable and pleasant duty, to call your Lordships' attention to the discussion of these important papers, and to move, as I am sensible you will agree with me that in gratitude and justice we ought, an address of thanks to His Majesty thereon. My Lords, the paternal goodness of His Majesty, displayed in his expressions of anxiety for the continuance of the blessings of peace, call upon us for the warmest testimonies of grateful affection; and particularly as we find by these important papers, that His Majesty evidently felt an equal anxiety for the honour of his Crown, and the essential interests of his people. The wisdom and dignity with which the negotiation has been conducted, has not only preserved to us those blessings of peace, at all times so desirable, but has preserved to the nation, advantages highly important to its navigation and commerce. Duke of Montrose.

The dispute between the Courts of Great Britain and Spain, as stated in His Majesty's message of May last, is naturally to be viewed in two lights, in the insult on the flag of Britain, and in the injury done to its trade. His Majesty, with that high regard to the honour of the nation, which ought ever to characterize the sovereign of a free people, declared in his message, that the insult must be repaired, previous to any discussion of the injury; and we see, that accordingly, the declaration of the Catholic King did directly atone for that aggression. Thus, in the first great point of the dispute, the promise made to the British Parliament has been honourably fulfilled.

The next consideration is the injury; and it is now the duty of your Lordships to see whether the convention does not amply repair the damage; and whether it does not also procure for England advantages of a high and important kind. Look, my Lords, to the first and second articles of the convention,

vention, and you will ſee that reſtitution is to be made, and reparation to the parties injured. But this is not all. What never was done before, what has always been ſubject of litigation, is now finally adjuſted, and Spain concedes the navigation of thoſe ſeas. We are not only reſtored to Nootka, but, by an expreſs ſtipulation, we may participate in a more northern ſettlement, if we ſhall find at any time that a more northern ſituation would be preferable for the carrying on of the trade. In like manner, what has more than any thing been a ſubject of jealouſy to Spain, and what muſt be the ſource of wealth to Britain, the great queſtion of the ſouthern fiſhery is finally eſtabliſhed, on ſuch grounds as muſt prevent all future diſpute. The line of limitation is marked, advantageous permiſſion is given us to erect temporary buildings; but by a ſtipulation of the utmoſt importance, all violence, in caſes of infraction, are prohibited, no officer muſt venture to ſeize a veſſel which he may deem to have infring'd the treaty, but he muſt content himſelf with writing home to his Court. By this prudent proviſion the ſeeds of future war are prevented, and time is given for cool, deliberate, and friendly negotiation to reconcile any differences that may ariſe. Theſe, my Lords, are advantages of a very important kind derived from this convention, and which amply repay the amount of the ſum which the armament has coſt. And yet, out of doors, I have heard of murmurs that the expence was not only enormouſly great but unneceſſarily incurred. If there are any conſiderable men in this Houſe who are of that opinion, I hope they will come forward and ſtate explicitly their reaſons for ſo thinking. Noble Lords who may be candidates for office ought to ſtate handſomely and clearly, their objections to any act of Miniſters, when they think they have reaſon to make an objection. I frankly ſtate my confidence in His Majeſty's Miniſters, and I think them highly deſerving not only the ſupport of your Lordſhips, but your thanks for the dignified, and at the ſame time, prudent manner, in which they have conducted this negotiation. Soliciting only your Lordſhips' indulgence, that if, in the courſe of the day, any objection ſhould be made to the motion which I ſhall now have the honour to make, that I ſhould think myſelf able to anſwer, you will give me leave to intrude again on your patience, I conclude, my Lords, with moving,

"That an humble addreſs be preſented to His Majeſty, "humbly to expreſs to His Majeſty, that having taken into "conſideration the declarations exchanged between His Ma-"jeſty's Ambaſſador and the Miniſter of the Catholic King, "and the convention ſince concluded for terminating the "differences which had ariſen with the Court of Spain;

"That

" That this House feel themselves bound to return His
" Majesty their most dutiful acknowledgments, for the paternal regard to the rights and interests of his people, manifested on the occasion of obtaining a suitable preparation for the act of violence committed at Nootka, and removing the grounds of similar disputes in future:"

" And to express to His Majesty that they looked with confidence to the zeal and alacrity to His Majesty's service, the powerful preparations that were made, and the unanimity, spirit and ardour of the nation at large, for speedily effecting the same valuable objects which His Majesty has so happily accomplished, without an actual interruption of the blessings of peace."

The Earl of Glasgow seconded the motion.

Earl of Coventry.

The Earl of *Coventry*. My Lords, I join in the praises so properly bestowed on Ministers for the conduct of the negotiation with the court of Spain, for the atonement so honourably obtained for the insult, and the advantages gained to our trade. I think no noble Lord can object to the cheerful payment of the four millions that atchievements so brilliant may have cost. My Lords, some persons object to the convention, that the limits between us and Spain are not sufficiently defined, so as to prevent future ruptures. I am of opinion, that we have defined a point which will, more than all the parchments of the world, tend to preserve England from future insult. We have equipped seventy ships of the line in five months. Treaties may be broken, conventions may be infringed; but we have shewn, through the zeal and activity of government, that we are too powerful to be attacked again by Spain. This, my Lords, is my motive for joining in the motion, and which induces me, as I cannot second, to third it; my Lords, I third it.

Lord Rawdon.

Lord *Rawdon*, I rise, my Lords, with uneasiness, compelled to give a reluctant negative to the motion of the noble Duke. I say with uneasiness, because no Lord would have risen with more fervent alacrity than myself to have joined in expressions of gratitude and thanks to His Majesty for the sentiments of benevolent regard to the happiness of his people, which His Majesty's most gracious speech breathed; and it gives me considerable pain, that Ministers have chosen to interweave matter in the address, which indirectly combines with gratitude to His Majesty, approbation of a measure upon which their Lordships cannot form a deliberate judgement. They have thought fit thus to couple the great question of the convention with the motion for the address, that they may seize on the loyalty of the House, and bend it to their temporary use. I will not make use of a harsh expression on the expedient: but I presume, they

think it a matter of convenience, thus to crouch under the general motion of thanks, and thus to draw from certain equivocal expreſſions, an opinion that may afterwards be ſet up to preclude the Houſe from all future diſcuſſion. If I knew any way of retaining ſo much of the noble Duke's motion for an addreſs, as ſimply expreſſed the thanks of the Houſe for His Majeſty's goodneſs, I would be proud to preſerve the unanimity which was manifeſted on the return to his ſpeech; but they have ſo adroitly incorporated the approbation of the meaſure, that I am reduced to the neceſſity of moving the previous queſtion, that I may be able to move an addreſs of thanks to His Majeſty unconnected with other matter.

It is, my Lords, ſo neceſſary to our honour, and give me leave to ſay, to the true honour of Miniſters alſo, that we ſhould not make a premature judgement on the important point before us, that I confeſs I am aſtoniſhed they ſhould thus call for blind admiration from this noble Houſe. We know nothing of the true hiſtory of the negotiation, on the conduct and iſſue of which they call for our thanks. They withhold from us the means of judgement, and yet claim our praiſe. This undignified courſe on their parts, my Lords, ought to make us more than uſually ſtrict of the diſcharge of our duty. Confidence, that generous quality which led us, in our deliberative capacity in the laſt ſeſſion of the laſt Parliament, to truſt them implicitly with the conduct of the negotiation, would change its character, and become ſomething even worſe than weakneſs, if now that the negotiation is ended, we were to continue to give it. In my profeſſional capacity I would with promptitude go forth at the command of my Sovereign, and diſcharge the duty confided in me by my commander, without inquiry and without diſtruſt; but the war being over, I would, in my place in this Houſe, think myſelf bound to call on Miniſters to prove the juſtice of the war in which they had involved their country. Laſt year Miniſters thought proper to refuſe us all information. Even the reſcript was improper to be given, although the Court of Spain could not poſſibly acquire, by ſuch diſcloſure, any information which they did not previouſly poſſeſs. But is it now to be denied? And are we to ſacrifice our functions, to overlook our duty, and to paſs a vote of approbation, without knowing whether Miniſters may not be actually criminal in what they have done? Suppoſe, my Lords, that the Commons Houſe of Parliament ſhould, in proceſs of time, find ground for the impeachment of Miniſters in this very negotiation. Should we not go into Weſtminſter Hall under aukward circumſtances, with the prejudgement of this addreſs on our journals?

Give

Give me leave, my Lords, to ſay, continued his Lordſhip, that conduct, ſo myſterious and dark, naturally engenders ſuſpicion, that there is ſomething in this buſineſs which they are loath, becauſe they are fearful, to diſcloſe. The noble Duke ſays, that the points to be conſidered are, 1. Whether the inſult given to the national honour be atoned for amply? and 2. Whether the advantages gained are equal to the injury and the expence? I diſſent totally from this ſtatement.—The firſt and obvious queſtion is, was there an inſult given to the national honour? He paſſes over this eſſential firſt inquiry, for the beſt of all reaſons, becauſe he ſees Miniſters have denied the Houſe the means of aſcertaining the fact. But it muſt be known, and from the true circumſtances of that aggreſſion we muſt draw the firſt concluſion, either that Miniſters had haſtily committed their country, or that they had with dignity reſented an affront.

No noble Lord can be more decided than myſelf in the opinion that national honour is a ſubſtantial ground for war. The honour of a nation is as ſacred and as delicate as the honour of a gentleman; for, wounded with impunity, the conſequences are the ſame. The nation that ſubmits to be inſulted, comes firſt to be deſpiſed, and next to be oppreſſed. National honour, therefore, is of all cauſes of war, the moſt ſound and rational. But give me leave to ſay, that inſult is of a quality which requires not time and calculation to comprehend. It is felt the moment that it is committed. It is not like a damage to be weighed and balanced, pure ſpirit and proper feeling act the moment they are aſſailed. How did His Majeſty's Miniſters treat this pretended inſult? We know from the publiſhed memorials of M. de Florida Blanca, and M. de Vauguyon (which I quote, becauſe no Miniſter, however they may withhold papers from the Houſe, will invalidate their teſtimony), that information was officially given of this inſult on the 10th of February. What did they do on the occaſion? They never came forward to avenge the inſult and maintain the honour of England till the 5th of May. What can the Houſe collect from this, but that either the inſult is a mere pretext taken up to anſwer another purpoſe which they did not think it ſafe to avow, or they dallied with the honour of their country.

If I were to indulge a conjecture, I ſhould ſay, that the firſt of theſe was the true cauſe of all this violent buſtle. Looking back to certain rumours, and particularly to all the warm encomiums on the gallantry and heroiſm of the King of Sweden, which the miniſterial papers were ſo fully charged, I ſhould infer that the ſpring was pregnant with a deſign to aſſiſt the northern warrior; but that, ſenſible the nation

nation would not much relifh fuch a defign, and that the noble Earl who commanded the fleet, would not have been perfectly pleafed to have gone to the Baltic, they thought a little bullying of the Spaniards a feafonable thing, both for concealment and popularity. That they afterwards changed their fyftem, and abandoned the Swedifh monarch to his fate, only proves that they conducted their fyftem as weakly, as they undertook it unwifely. But I again aver, that it is indifpenfable to our faithful difcharge of the duty that we owe to our country, to demand the means of afcertaining the true nature and extent of the infult, by which we may go properly into the examination of the fecond part of a rational courfe of inquiry into the manner in which they conducted themfelves in this infult, granting that it was committed. I certainly will not think the expence incurred too great, if it fhall be fairly eftablifhed that any expence was neceffary.

I hold it as an uncontrovertible axiom, that nothing but pofitive neceffity could juftify Minifters in putting us to the hazard of a war. I fhall not be controverted when I affert, fhortly, that our expence for the three years, ending in January 87, 88, and 89, exceeded our increafe 700,000l. a year, inftead of our having, as the Minifter promifed us, a million of furplus. A growing debt demanded, therefore, we fhould, by every poffible means, preferve the bleffings of peace, that we might improve the advantages which the fatuitous concurrence of circumftances had put within our grafp. Shall we then fit down contented, and not inquire on what foundation it was that Minifters broke in upon this condition, fo effential to our profperity, and involving us in the hazard of a war, for a caufe which, on the afpect of it, does not juftify their procedure.'

The noble Lord proceeded in a train of argument, to analyfe the conduct of Minifters in the feveral ftages of the negotiation, of which a curfory view can only be given. If, his Lordfhip faid, the infult was given, they compromifed the honour of the nation by delay, but there was a moft blameable fpirit of inflammation vifible in their whole deportment. Inftead of cultivating that liberal fyftem which the enlightened philanthropy and philofophy of the age made it fo practicable for them to cherifh and promote, (and from which we, of all nations, would profit the moft), he obferved that by all their vehicles of publication, and by the whole tenor of their conduct, they roufed and excited in the nation an unwife and ignoble rancour againft Spain, which that generous and high-minded nation never deferved, and which it is fcandalous to cherifh, even if there were provocation. His Lordfhip took notice of the obfervation

of

of Lord Coventry, that our best confidence was in our strength, and said, that if we were not to trust in justice and honour, we might easily lose that boasted superiority by combinations among other powers. He paid high compliments to the navy for the ardour and alacrity they had displayed, and he addressed an elegant compliment to the Duke of Clarence, for the happy effect which high discipline, prompt obedience, and ardent gallantry, manifested by a personage of his rank, had had ont he service. He examined the convention on its own merits, and found it pregnant with dispute, barren of advantage, and he concluded with moving the previous question.

Lord Sydney. Lord *Sydney* next rose. I confess my astonishment, my Lords, said his Lordship, at the hearing the observations that have fallen from the noble Lord who spoke last. I may be supposed to be partial to Ministers from having left the Cabinet so lately; and I fairly acknowledge my partiality; but did I ever expect to hear them charged with being anxious to involve their country in war, or to inflame the minds of their fellow citizens with illiberality and rancour against other nations? Above all the rest, did I ever expect to hear in this noble House, that these charges against them were to be drawn from rumour, from the ministerial prints, (I thank God I read none of them) and from conversation out of doors? His Majesty's Ministers must be strangely changed in their dispositions, continued his Lordship, since I had the honour to sit among them, if they are now disposed to involve their country in a war, or to incumber it with unnecessary expences. I beg leave to bear my humble testimony to the merit of their labours in this negotiation. They have, in my mind, accomplished all that they pledged themselves to obtain. And I was indeed not a little suprised, that a noble Earl, from whom I have received much parliamentary information, should have moved for the production of all the papers of the negotiation, which his Lordship must well know, could not be disclosed without danger to the state, and for the production of which I will venture to say, he cannot produce a single precedent. I was not surprised that the noble Earl's friends did not think proper to support the question.

Earl of Kinnoul. The Earl of *Kinnoul* rose to explain. The noble Lord, if he had taken the trouble to attend to the words of my motion, said his Lordship, would have found that I did not desire all the papers, but only the memorials; papers which in their very nature cannot be dangerous to disclose; and that there is a precedent, let the noble Lord look to the case of Falkland's island, where he will find that more papers than I asked for were cheerfully granted.

Lord Porchester

Lord *Porchester* said, the motion of his noble friend was not only dictated by discretion, but by an attentive regard to that nicety which Ministers affect. The noble Earl asked for less, perhaps, than he ought, certainly for nothing more than ought to be given, if we are at all to enter into the discussion of the subject. I cannot conceal from your Lordships, said Lord Porchester, my sentiments, that I expected rather to meet this matter in the shape of impeachment than in the shape of address for thanks. A conduct so absurd and pernicious, so destitute of all policy, so fruitful of danger and so barren of advantage, I will be bold to say the history of nations cannot exhibit. Bullying so unprovoked, evaporating at length in a convention so unmeaning; confidence given so liberally, and so ill rewarded; I defy any Lord to parallel in his reading, much less in his experience. It is, in fact, a bubble, successfully blown up, at a critical conjuncture, to enable Ministers, under the fictitious name of an armament, to influence a general election in such a way as to bind the majority in the service of Ministers. The noble Lord having made a preface to this effect, confessed, that when he read the articles of the convention, he did not understand them. Did not the event, he asked, confirm the very general observation without doors, that we have a Ministry who have neither the courage to make war, nor the skill to make peace? He expressed himself at a loss to know the meaning of the first article of the convention, "what buildings or tracts of land English subjects may "have been dispossessed of about the month of April 1789." Had Mr. Pitt said, "a restitution of all seizures made on "the 13th of May," he certainly would have put it out of all doubt that our settlements at Nootka were to be restored to us; but then it would have abandoned all prior claims; whereas by saying about the month of April, he not only includes April, but March. As to the events of May, his Lordship said, in which month Mr. Pitt knew most correctly, from Mr. Meares's memorial, that we had been dispossessed of Nootka, those are taken express care of in the second article, inasmuch as the 13th of May is unequivocally subsequent to the month of April, 1789. The second article, he said, stated that reparation shall be made for all acts of violence or hostility which may have been committed subsequent to the month of April 1789 by the subjects of either of the contracting parties against the subjects of the other; and if any of the said respective subjects shall, since the same period, have been forcibly dispossessed of their lands, buildings, &c. they shall be established in the possession thereof, or a joint compensation shall be made to them for the losses they shall have sustained. After commenting

upon

upon the ſeveral articles contained in the convention, wherein he remarked, that all conceſſions on our part were clearly and explicitly ſtated, but that the conceſſions on the part of the Spaniards were obſcurely ſtated, he concluded by expreſſing his perfect approbation of the previous queſtion.

The Marquis of *Lanſdown* then addreſſed the Houſe in a ſpeech, of which the following are the principal particulars: Marquis of Lanſ-down.

His Lordſhip ſaid, that he did not trouble the Houſe, when the queſtion reſpecting Nootka Sound came before it in the laſt ſeſſion; conſidering the executive power as intitled, in the firſt inſtance, to conduct the negotiations with Spain. The conſtitution gave them that power; good ſenſe gave it them. But it belonged to the legiſlative body to paſs a judgement on what was done. A judgement was even called for; but none could weigh with the public which was not founded on information. Papers had been refuſed, and miniſtry ſeemed equally diſpoſed to refuſe all verbal information. To expect a vote of approbation under ſuch circumſtances, was clearly a violation of conſtitutional principles, which could never be admitted. It reduced the Houſe, therefore, to the neceſſity of taking up the queſtion upon the footing of notoriety and general information.

A noble Viſcount (Sydney) had juſt given aſſurances, the Marquis ſaid, that the general ſentiments of miniſtry were pacific, when he was lately a Member of it. Miniſtry certainly ſet out upon the principles of the peace in 1782-3, and had built, and taken credit with the public upon that foundation. It was neither juſt, nor was it his inclination, to try their proceedings by catching at general words, or even aſſurances; but by comparing their general conduct with the general ſyſtem of the late peace, upon which they had thus ſolicited and obtained the public confidence. This could only be done by reviewing the great features of their adminiſtration on the ſubject of foreign politics; and as the points were ſoon ſummed up, the public would eaſily judge for themſelves.

With reſpect to France, the object of the late peace had been, to extinguiſh all miſtaken ideas of rivalſhip, which had hitherto prevailed; to leave nothing, if poſſible, undefined; nothing of conſequence, mixed; nothing to Commiſſioners to ſettle; and no room for foreign powers to interfere. The reſult was, that never was there a period when animoſity ſo ſoon ſubſided, when ſo few ſubjects of diſcuſſion, much leſs of diſpute, had occurred with France as ſubſequent to 1782.

With reſpect to Spain, the deſign had been to ſuffer the chief of what was conceded at the peace, to remain in the

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hands of the weakest power. He had no hesitation to say, that after the independence of the North American colonies, North American possessions no longer stood in the same position with regard to Europe; nor from that time could any European settlements in those parts be deemed of a permanent tenure. Every thing, however, was reserved of which the negotiation admitted, for two purposes; first, to collect, the public opinion, which has a right to be consulted where it can be done with safety in all great occurrences, especially commercial, a distinction strongly founded in the nature of things and in the practice of our Government; and secondly, to assist the terms of our treaty of commerce with Spain.

Regarding Holland, the object was to remove the reproach which hung upon us from De Witt's treaty, and to stipulate for freedom and extension of trade, by the article respecting the Spice islands; and, by the third article of the treaty with them, to make them sensible of the consequence of treating through a third power.

As to the rest of Europe, the state of it was just such as could have been wished; being without a single engagement upon our hands, and free to adopt any or none as might be found eligible.

It remained to be inquired how far the conduct of Ministers since 1783, had been conformable or not to these principles, and this situation in regard to their general system in foreign politics, and their particular proceedings with Spain.

In the early affairs of Holland, the memorials they presented had been said in that House to have been milk and water, and in his own opinion they might have been more pointed; but, if there was any error in this, it was on the right side, and corresponded at least with the basis of their professions.

The next concern was the Germanic league entered into to check the growth of the Emperor's power in Germany; which was an instance of the highest diplomatic wisdom to be found in the history of Europe. Prussia had every merit in projecting it, and it was highly becoming England to have been among the first to support it; but Ministers, apprehensive of a clamour respecting Hanover, confined themselves (in the language of one of their body) to a bow upon paper. Hanover and England ought certainly to be kept distinct, yet in this case they had agreeing interests. The whole of Europe was indeed comprehended in the question; for Germany under a single head, not to mention the Emperor's other possessions, menaced the safety of Europe; and the league operated accordingly. The conduct used by Ministry upon

this

this occasion, if mistaken, was another mistake on the right side; the prevailing interest of this country being peace.

Next, continued his Lordship, succeeded the commercial treaty with France; which together with the language used in support of it, was so perfectly consistent with the fundamental principles professed, as to leave nothing to remark, except as to the neutral code; the evils of which might be presumed to have been sufficiently felt by Ministers in their commercial negotiations with Holland; and must have been more so, had our dispute with Spain ended hostilely.

The next proceeding of Ministers, calling for notice, was the memorable convention with Spain in 1786, respecting the Mosquito shore; a treaty which was *unipartite*. It had no precedent in history, except in the cession of Bucovina to the late Emperor by the Turks, and was not to be explained upon any system of civilized or European politics. In all this however there was nothing to offend against pacific sentiments.

But the King of Prussia dies, and a total alteration of English politics ensues. From this æra, the pacific system became rejected; the antient language revived; France was again treated as a natural enemy; and *delenda est Carthago*. Still more; England was thought equal to dictate to the whole world. Our Ministers and messengers overspread all Europe. Every Court was to feel terror at the name of Britain; our resources were inexhaustible; and our power not to be resisted, especially without the balance of France. Holland was obliged by force to return to our alliance, principle and persuasion being deemed equally unnecessary to be used with that free country; France was dictated to; the Turks were excited to murder the Russians, while proclamations at home were issued for restraining vice and immorality; the Swedes were to complete the humiliation of this devoted power; Denmark was ordered not to intermeddle; employments for the Emperor was found in the Belgic provinces, in case the Turks had proved insufficient for the purpose; and all this was finally made to terminate in Nootka Sound.

Some young gentlemen at China, attached to geography and a little commercial advantage, fit out a vessel called the Sea Otter, for the North West Coast of America. Some Bengal adventurers fit out two other ships, with fine names, under Portuguese paper and colours. Some speculative merchants, men of letters perhaps, fit out two other ships, and the whole sails under the command of a young gentleman of the name of Mears; who is instructed and instructs his followers, in terms becoming the form and pomp of office, to

violate

violate a syſtem regarding Spaniſh America, which it has been the policy of Europe, and in particular of this country, to adhere to for ages. "Ruſſian, Engliſh, and Spaniſh veſ-"ſels were directed to be treated with like civility in the "firſt inſtance; but in caſe of an attempt to turn the adven-"turers out of their way, force was to be repelled by force, "the parties to be ſeized, and their ſhips brought in to be "condemned as prizes and their crews as pirates. In plan-"ning a factory, it was declared that they looked to a ſolid "eſtabliſhment, and not one to be abandoned at pleaſure; "and they authorized the fixing it in the moſt convenient "ſtation; only placing their colony in peace and ſecurity, "fully protected from the fear of the ſmalleſt ſiniſter acci-"dent."

It was ſaid that this had appeared by papers laid by Miniſters before the Houſe of Commons; but this was impoſſible. Occurrences, ariſing out of this enterprize of a few individuals, begun without any due warrant for it, on any proper ſubordination to the public at large, form the oſtenſible ground of a diſſenſion with Spain. We arm in a manner regardleſs of expence, and ſummon Spain to ſubmit in a manner alike unprecedented and inſulting. The convention then follows, which Parliament, with pretty much the ſame peremptorineſs, is called upon to approve.

The facts, thus ſtated, continued the Marquis, admit the following obſervations: firſt, as to the late change made in the general ſyſtem of our politics ſince 1782; and, ſecondly, as to the departure from the particular ſyſtem obſerved for ages by this country reſpecting Spain and Spaniſh America.

With regard to the firſt object, namely the change in our general ſyſtem, that which had been ſubſtituted appears to have wanted both vigour and conſiſtency.

The ſituation of France had produced a criſis not unworthy the deliberation either of Greece or Rome. One plan, evidently offering for this country, was to have remained quiet and laid a foundation of gratitude and reſpect with France and Spain, and of reputation with Europe at large, by aſſuming a tone of dignity, moderation and policy, united. On the other ſide were to be urged old practice, ancient prejudices, revenge, and diſabling poſſible enemies; motives juſtified by hiſtory, and even by civil law writers. He undoubtedly was for the firſt ſyſtem; but, ſeeing adminiſtration had not adopted it, he had been one of thoſe alluded to by the noble Viſcount, who was duped by the language of the miniſterial prints, and imagined that the affairs of the Baltic had had a large ſhare in our armament.

As every thing was left free by the peace upon a pacific system, by the same rule every thing was left open upon one that was warlike. We had alliances before us to choose; we were the only person in Europe looked up to; and we had only to have imitated the Prussian plan of the Germanic league to have imposed whatever conditions we inclined to, and to have been restrained by nothing but our own regard to justice and reputation. Sweden met us more than half way; Denmark had no option; France, Russia, and Austria were occupied; and we might have obtained what terms we pleased from France and Spain, or have struck a blow which must have put it out of the power of either to have molested us for an immense period to come.

Instead of this, what is the state of Europe? We have mortally wounded the pride of Spain, who will always think that we have taken an unfair advantage; we have shaken our infant confidence with France; we have alienated both the sovereign and the country of Russia; Sweden has been betrayed; Denmark insulted; Portugal driven into a closer connection with Spain by our language, while both our complaints and our merchants appear notwithstanding, dropped and forgotten; and Prussia, our only efficient ally, will not say she is obliged to us. Europe, which, in 1782, was open to us throughout on pacific principles, and the balance at our command on warlike principles, has the scale turned against us, and stands on principles of alienation and personal hostility. Such has been the conduct used respecting Europe at large.

The Marquis thus proceeded. As to Spain, no relation of this country has undergone more complete discussion than our connection with Spain, and particularly respecting Spanish America. Our friendship with Spain, without referring to remote antiquity, was the object of our policy so far back as the reign of Henry VIII. and, upon the foundation of the treaty which then took place between the respective sovereigns, we have never surrendered our right of trading to the Spanish West Indies, in the same manner that we have insisted with Portugal upon a right of trading to the Brazils; nor have we ever yielded up the right to either, in any negotiation, till the present convention. The navigation in the Spanish American seas were expressly stipulated by the 15th article of the treaty in 1670; which was recognized by the Spanish Minister in 1749, and by their Ambassador here, Mr. Wall; and of late years we have notoriously exercised the right itself both in voyages of discovery and for fishery. Sir Benjamin Keene, one of the ablest foreign Ministers this country ever had, used to say, that, if the Spaniards vexed us in the first instance, we had means enow to vex them

without infringing upon treaties, and the firſt ſtep he would recommend would be to ſend out ſhips of diſcovery to the South Seas. Thus ſtands the queſtion, long eſtabliſhed as to the right, which is plainly, therefore, not a point obtained for us by the preſent convention: but let us now ſee with what cautious wiſdom this avowed right has uniformly been managed.

A ſucceſſion of able Miniſters at the Court of Spain in Charles the Second's reign, Sir Richard Fanſhaw, Lord Sandwich, and Sir William Godolphin, all united in adviſing forbearance as to the uſe of it. Sir William Godolphin did this in moſt pointed terms, after much converſation with the wiſeſt of our London merchants; whoſe unanimous opinion had long been, that it was better to trade with Spaniſh America, through Old Spain, than to have a direct intercourſe with that part of the world ourſelves. He was ſo much in earneſt upon the ſubject, that he wrote to the King to prevent his being miſled, directly or indirectly, by intereſted adviſers; aſſuring him that there was no way more certain of fundamentally alienating the Spaniards, (as Sir Benjamin Keene afterwards confirmed,) and throwing our rivals in navigation into ſtricter correſpondence and more frequent intercourſe with them, than by interfering in South America. It was as clear then as it is now, that whatever we obtained for ourſelves was not obtained for ourſelves ſingly, but that other nations muſt participate in it. Perhaps there was wiſdom, in more reſpects than one, in ſuffering the great ſtake, contained in the Spaniſh American poſſeſſions, to lie to a certain degree dormant and unimproved in the hands of Spain. In any event, as long as Spain held the revenue and commerce ariſing from her colonies to be preferable to her manufactures, it was our intereſt to be content with commercial advantages in Europe as a compenſation for ſuſpending our claims reſpecting the South Seas, ſince our rights in that quarter might always be revived and brought forward when opportunity called for it.

This policy was ſo wiſe, that it was conſidered by ſubſequent Miniſters as fundamental, and not to be departed from. Accordingly it was followed all through the reigns of King William and Queen Anne, and it governed the negotiations, ſuch as they were, at Utrecht; where Lord Bolinbroke conſidered it as the intereſt of England to uphold, as high as poſſible, the claims of Spain, with the idea of ſecuring a preference to ourſelves over the other nations in Europe. Sir Robert Walpole's opinion is notorious, for he fell a ſacrifice to it. The Duke of Bedford, a warm Miniſter, who had projects of diſcovery, was ſo cautious, that he conſulted the Spaniſh Miniſter here, as well as ſent to ſeek the opinion of

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the Court of Madrid; and found our right fairly acknowledged, but the exercise of it deprecated as likely to be productive of war. He was not backward in insisting upon our large claims in those parts, and dwelt upon the good to arise to science, and to the world, and even to Spain, from proceeding in them; but, with great wisdom, he stopped short, saying that amity with Spain was important enough to supersede every other consideration, where the rights of the King's subjects were not immediately and intimately concerned. Next came Lord Chatham; and, to his own intimate knowledge, being then secretary of state, and without alledging his own opinion or conduct as authority, this principle was what governed Lord Chatham in the early part of the negotiation respecting Falkland's islands; and it finally appeared to influence Lord North's conduct at the conclusion of that negotiation.

As to the particular terms of the convention just concluded, it stipulated, with respect to Nootka Sound, what was either pernicious or trifling. It appeared a madness to think of colonies after what had passed in North America; but, if there were even two opinions upon this subject, there could be but one about our power of affording it: we could not do it.

As to the fishery, it was defined to our detriment, ten leagues being a new stipulation in the Spanish American seas. Such a boundary deprived us of all fishery of consequence, excepting that of whales, and even of that in a considerable degree. Grotius, and all the civil law writers, joined to what had passed with Spain upon the subject, rendered any concession on this head useless; particularly as we had been in the habit of exercising the right of fishery for fourteen years back, under the avowed sanction of our acts of Parliament.

Another observation the Marquis desired to offer, which was, that we endangered our commercial treaty so long depending with Spain. We put to hazard, he said, our Spanish trade in woollens, hardware, cottons, and even fish itself; not whales indeed, but something more material, namely, the cod of our fisheries of Newfoundland. And the proceeding was the more unfortunate, as our trade in Spain laboured under many hardships, particularly the Alcavala duty, which was a per centage upon every transfer of our articles sold in Spain, so as sometimes to amount to two-fifths of the prime cost,

But whatever increase of fishery or trade we had obtained, if it were even true that it was gained by means of the convention, the gain is not exclusive, but may be partaken in by other nations. The Americans had already been as active

in these seas, as they had been accustomed to be in their own; and, by the accounts of Mr. Meares, had even some claim of discovery in their favour, by proving Nootka Sound to be part of a large island. Russia had perhaps a still closer interest in the case.

It was farther to be noticed, that, if trade and fishery should increase under the convention in these distant seas, the experience of Newfoundland made it clear that a fleet must be provided to protect both of them; which yet, in case of war, would, together with the objects designed to be protected by it, be likely to fall into the hands of a superior force, always on the spot; and thus lose to us the very naval strength we designed to create by them. In short, every thing proved the absurdity of having a nursery for seamen at so great a distance.

The experience of Newfoundland had served to convince us of another thing admitted under the present convention, namely, the mischief of concurrent rights. There was not a Sea Officer, who could not witness from his own experience, or what he had heard, the successive disputes which had occurred at Newfoundland, till distinct lines were drawn, and all interference prohibited by the peace of 1782.

It was singular to find the convention stipulating, on our side, that the most effectual measures should be taken to prevent our navigation and fishery being made a pretext for illicit trade with the Spanish colonists, when it was notorious that we could not prevent contraband trade upon our own coasts at home, close to the very seat of our Government. How then was it possible to prevent quarrels upon this subject, arising from the guarda costas of Spain?

The convention, in short, seemed big with evils, and this was the more to be lamented, as the Spanish possessions in the parts in question were probably not worth many years purchase to Spain. Before our engaging therefore in the discussion, it would have been wise had the matter been properly investigated, and the public opinion duly taken, as well as the value of the whole properly weighed; especially taking into consideration the consequences of war in regard to taxes, which no man could tell, let our success be what it might.

His Lordship concluded with stating the following reasons for calling on every reflecting man to vote on the present occasion, however disposed he might be on other points. First, to manifest to Spain, that the public of this country had not changed its opinion advisedly, whatever might be the conduct of its Ministers; and disdained to take any ungenerous advantages. Secondly, to prove the same things to Europe at large; and that we are as forward as any nation whatever to

liften to the voice of philanthropy, and philofophy and peace, which as a noble Lord (Rawdon) had ftated, was, fo happily for mankind, gaining ground faft in every civilized nation. Laftly, to affift in preventing future Minifters either from falling into difficulties of a fimilar magnitude with the prefent, by the acts of unauthorifed individuals, on the one hand, in times lefs favourable to the event of them; or from being forced into them, on the other, by a fenfelefs clamor, as happened to that great Minifter of his day, Sir Robert Walpole, though living in clofe confidence with Cardinal Fleury; and whofe fate therefore it would be difficult for Minifters, lefs able and lefs refpected, in fuch cafes to avoid.

Lord *Grenville* made his maiden fpeech in this Houfe, in anfwer to the Marquis, to the following purport. He contended, that if any thing more than another made the conftitution of England defirable, it was the diftinct authority which it gave to Government to negotiate, unfhackled by the legiflature, pending the bufinefs, and refponfible only on its conclufion. No one paper, his Lordfhip faid, was wanting in addition to thofe already produced to elucidate the bufinefs, on which the Houfe had to determine: for here was the meffage of His Majefty, containing the injury; and fairly ftating what would be the reparation that fhould fatisfy. Here was the convention, fhewing that the reparation was complete, as it was originally propofed, and unlefs it could be fhewn that the fatisfaction did not come up to the propofal, or that there was ground to fufpect misftatement; if they thought the money faid to be fpent had been mifapplied; or that fome other grofs malverfation had occurred; he faw no folid ground for calling upon Minifters to difclofe what never could be done without indelicacy, and perhaps danger. Lord Grenville.

His Lordfhip then entered at full length into the Articles of the convention, to fhew the benefits we had obtained, both to our fifhery and fur trade; and in particular he anfwered that charge of Lord Landfdown, which imputed to Minifters a change of the pacific fyftem in which they fet out. He faid, he was utterly ignorant of any one of the intrigues that the noble Lord had afcribed to them.

Lord Vifcount *Stormont*, in a mafterly difcuffion of the treaty of convention, ftated, that we had in truth conceded rights which we poffeffed by the law of nations; in as much as that law gives us leave to fettle where no other power had pre-occupancy; and by this agreement we deprived ourfelves of that right. In like manner, his Lordfhip faid, the navigation of the South Seas was always claimed on the principle of its being an open Sea; and he was well informed that the moft valuable part of the fifhery was at the diftance Vifcount Stormont.

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of five leagues from ſhore, whereas we were debarred by the convention from coming within ten ſea leagues.

Marquis of Lanſdown.

The Marquis of *Lanſdown* (in reply to Lord Grenville) roſe to ſay, that he ſhould confine his anſwer to a few points. The purport of his ſpeech had certainly been miſunderſtood, for he had ſeldom or never riſen to ſpeak in that Houſe, without inſiſting that we ought to have a ſtrong executive and a ſtrong legiſlative power. The executive was to take the lead, and when it had done its work, it was to be reſponſible, in the perſon of its Miniſters, to the legiſlature. That it had been the object of the late peace to put an end to every thing that was concurrent, and make every thing as diſtinct as poſſible; but that the preſent treaty confounded and mixed every thing, and brought back that concurrent ſyſtem, which had never left us without diſputes with France about the Newfoundland fiſheries for many years, when he had been in a ſituation to witneſs it. He concluded by ſaying, that he was at no time for making undue conceſſions, but he never could conſent to put the ſafety of the nation at ſtake, and incur the expence of millions, for individuals acting without one ſubordination in purſuit of what was nothing worth.

The Houſe divided on the previous queſtion;

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The addreſs was then carried in the affirmative.

The Houſe adjourned.

Tueſday, 21ſt December.

This day being appointed for taking into conſideration the petition of the Rev. Edward Tynewell Brydges, clerk, claiming the title and dignity of Baron Chandos of Sudeley, Counſel were called to the bar, and after ſome time, the Chairman reported progreſs, and the farther conſideration of the ſaid claim was, upon motion, adjourned to the firſt day of February next.

The bill for farther continuing the act of the laſt Parliament relative to the importation and exportation of corn, was preſented, and read a firſt time.

Petitions were preſented from Lords Napier and Somerville, claiming a right to have been returned among the ſixteen Peers at the late election.

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The *Lord Chancellor* took an opportunity of drawing the attention of their Lordſhips to the petitions that had been received reſpecting the Scotch Peerage in that Houſe. To-morrow, he ſaid, would be the laſt day of receiving them, according to appointment. He therefore thought, that on Thurſday their Lordſhips ſhould take the ſame into their view, and diſpoſe of them in ſuch a way as ſhould appear to be the moſt proper one of being adopted on the occaſion: perhaps, to have them taken into conſideration that day month might be a ſufficient time; it was what was allowed in all caſes of appeal, though a longer period might be found neceſſary with regard to the petitions in queſtion. His Lordſhip ſaid, he was by no means inclined to hurry on a conſideration before due notice ſhould have been given to all the parties concerned. In doing this, however, there certainly occurred ſome difficulty. All perſons concerned or intereſted, ſhould undoubtedly have notice, but it was not ſo eaſy to aſcertain who thoſe perſons were. In ſome of the petitions, it was apparent to their Lordſhips, that noble Lords were ſo alluded to therein, as to put it out of all doubt but that they would attend that Houſe. In other petitions, certain noble Lords were ſo ſlightly concerned, that moſt probably they would not think it worth their while to come from Scotland. In ſeveral petitions, the implications were of ſo general a nature, it was hardly poſſible to tell who they would affect. In ſome it was ſtated that the petitioner ought to have been returned, but did not ſtate who of thoſe returned ought not to have been returned. Again, many of the voters were ſaid to have no right to vote, without mentioning who; and yet all perſons whoſe rights and privileges were called in queſtion by thoſe petitions, ought moſt certainly to have notice given of it, in order that they might have an opportunity afforded them of attending their Lordſhips. He would, therefore, ſubmit it to their Lordſhips to conſider of thoſe petitions on Thurſday, and then arrange them in ſuch a manner as their Lordſhips ſhould think proper. The way, no doubt, would be, to refer them to a Committee; but firſt, all perſons intereſted therein ſhould have timely notice.

Lord Chancellor.

Viſcount *Stormont* ſaid, he was very ſure that whatever mode the learned Lord recommended, it would deſerve their Lordſhips' approbation. A great difficulty, however, occurred in his mind, in the petition his Lordſhip then held in his hand, and which had been received from Lord Somerville. In that petition it was ſtated, that certain Lords had not been allowed to vote, although they had a right ſo to do But who were thoſe noble Lords? The noble Viſcount thought this extremely obſcure at leaſt, but owned, though he ſaw the

Viſcount Stormont.

the evil, he did not at that moment see the remedy that was to be applied.

Lord Chancellor. The *Lord Chancellor* replied, that he had not seen the petition. What he had mentioned, had been on the petitions presented before Lord Somerville's. With respect to that petition, it would of course be referred with the others to the Committee, and it would then be determined, whether the allegations therein contained were sufficient or not.

Lord Cathcart. Lord *Cathcart* observed, that Lord Somerville had, by no means, rested much on the part selected by the noble Viscount, but that he had merely mentioned it, in case the other allegations in his petition could not be thought sufficient to support his case.

Viscount Stormont said a few words in reply.

The Lord Chancellor ended the conversation, by observing, that he would look into it again on Thursday.

The House then went into a Committee on the Land-tax bill, Lord Cathcart in the chair. After the preamble of the bill had been read,

Duke of Norfolk. The Duke of *Norfolk* rose. His Grace said, he had observed a very dangerous innovation in this bill, which might lead to still farther and more dangerous intrusions upon the ancient and legal method of passing those bills. As the law had for a long period of time stood, all persons who held patent places under Government were considered as in the actual enjoyment of freeholds, and paid land-tax, in the district where their offices were situated, in the same manner as other freeholders, and other persons liable to be assessed to the land tax. This was a very great hardship upon the district in which the offices were situated, as the other inhabitants and proprietors must make up the deficiency. His Grace did not mean at present to make a formal opposition, but he thought the alteration bore very hard upon the parish of St. Margaret, the inhabitants of which, he understood, were utterly unacquainted with the circumstance. They, at least, ought to have had notice to have been prepared to make the proper application for relief. His Grace farther observed, that he knew that the Tellers received back the tax at the Exchequer; and therefore it made no difference to them; but that was a circumstance which did by no means recompense the district in which their offices were situated; for it was easy to consider that four shillings in the pound, upon near twenty thousand pounds, was an object of considerable magnitude.

The Lord Chancellor professed himself ignorant of any such alteration.

Lord Grenville and the Duke of Norfolk held a private conversation upon the woolsack with his Lordship, after which

which the bill paffed the Committee, and Lord Cathcart reported it to the Houfe.

The Houfe adjourned.

Thurfday, 23d December.

Lord Grenville moved, "That the petitions prefented by "the feveral noble Peers of Scotland, complaining of the "late election and return of the Peers to reprefent the "Peerage of Scotland, be referred to the Committee of "Privileges."

The motion was agreed to, and the following orders were made:

"That the feveral Lords petitioners do give notice to the "feveral parties interefted in the faid petitions."

"That the feveral Lords petitioners have liberty to be "heard by Counfel, if they think fit; and that the feveral "perfons interefted in the matter of the faid petitions, or "whofe titles may be affected thereby, may alfo be heard by "Counfel, if they think fit.

"That no proxies be ufed on any queftion in this Houfe "relative to the matter of the faid petitions."

The feveral motions having being read by the Lord Chancellor,

The Earl of *Lauderdale* obferved, that he did not underftand that either of the motions made by the noble Lord, went to order the returning officer to attend, or to furnifh the Houfe with a lift of the election poll, or any of the books or papers refpecting the late choice of the Scotch Peers. This his Lordfhip thought extremely neceffary, and it was no more than what had been done in the year 1708, and in the cafe of Lord Dumfries and Lord Rutherford. The only queftion, in his opinion, was, whether the parties fhould have to procure the papers and documents that would be wanted, or whether they fhould be ordered by the clerk of the Houfe. In the one cafe, the expence would be paid by the individual, and in the other cafe, by the Public. Earl of Lauderdale.

Lord Grenville did not think what the noble Lord had mentioned, at all neceffary in the prefent ftage of the bufinefs.

Lord *Cathcart* explained why the returning officer, and the papers named, had not been ordered on the prefent occafion. In the year 1708, his Lordfhip faid, and in the other cafe, there had been a formal complaint againft the returning officer, and on that account he had been ordered to attend their Lordfhips. Lord Cathcart.

The Earl of *Lauderdale*, in reply, contended, that it was precifely on this ground that he had mentioned what had fallen from him; for if he could read, there certainly was Earl of Lauderdale.

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contained in the present petitions matter of complaint against the returning officer, and the records; from which circumstances, he thought the House ought to adopt what he had begged leave to recommend to their consideration.

Viscount Stormont. Viscount *Stormont* said, he could not altogether agree with his noble friend. He could not see, for his part, any charge against the returning officer, which could justify their ordering him up to their bar. With respect to the papers, he thought they might be very necessary in the investigation of the several cases.

Ld. Chancellor. The *Lord Chancellor* was of opinion that nothing more was necessary, at present, than to send the petitions to a Committee of Privileges. What papers, he asked, could they send for? It was impossible for them to tell what they should want, till they came to examine into the petitions. In his opinion, the first thing was to look into the allegations set forth in them, and see what evidence would be wanted, and having done so, to cause it to be produced. With regard to summoning the returning officer to attend, he could see no occasion for putting him to so much inconvenience and expence. Suppose, for instance, they were to have that officer's attendance, and also all the papers and documents thought requisite by the noble Earl, it might so happen that when the day for taking into consideration the petitions, should arrive, the parties petitioning might withdraw their petitions. For these, and many other reasons, he thought it best to let the matter rest as it was, until the petitions should come under their Lordships' consideration, when they might make such orders thereon, as should be found expedient in the farther prosecution of the inquiry. His Lordship allowed what the noble Earl had stated, of the year 1708, and of the case of Lord Dumfries, to be perfectly right, but they were by no means analogous to the present one; the election of 1708, in particular, had been rude and barbarous beyond all example. There was scarcely any records then to be found, and little more than mere memorandums on loose bits of paper. All the proof the petitioners in the present case wanted, was open to them; and when they came under consideration, it would remain for their Lordships to consider how far the evidence would go in support of what they had severally set forth.

Lord Kinnoul. Lord *Kinnoul* said, he was utterly unable to conceive what inconvenience there could possibly be in agreeing to what the noble Earl had proposed. Most certainly the evidence called for would be wanted, and their Lordships might as well have it at first. But the proper way of proceeding, his Lordship was of opinion, would be by examining all the circum-

circumstances of the late election, and then determining who ought to have been chosen.

The *Lord Chancellor* replied, if the noble Lord should be thought, by what he had said, to have put the matter fairly at issue, the production of every necessary information would undoubtedly be proper, but he still adhered to his former opinion. Ld Chancellor.

The Earl of Lauderdale and Viscount Stormont severally rose again, and pointed out charges against the returning officer, and also against the records.

The *Lord Chancellor* once more quitting the woolsack, said, no returning officer was to be summoned to that House for an error, unless it was a criminal one. No man was to be charged with an error of the judgement; and with regard to the records being defaced, that might be, and yet no offence committed. Records that were defaced, provided they could be read, were never the worse for that, but equally as good as if they had never been defaced in any manner whatever. Ld. Chancellor.

The motions were then put, and severally agreed to.

Viscount Stormont wished to know if any day was to be named for taking the petitions into consideration.

The Lord Chancellor thought the most proper way of proceeding was, to get all the petitions, and papers annexed thereto, before the Committee, and then to appoint a day for considering them.

Mr. Gilbert, from the Commons, brought up the Malt bill, which was afterwards read a first time, and ordered for a second reading on Monday.

Mr. Gilbert afterwards presented the additional Malt bill, which being read a first time,

Lord *Grenville* pointed out the objects of the bill, and defended the principle thereof. It was, his Lordship said, to answer demands which Government had incurred on account of the late naval armament; but when the advantages that it had been productive of to this country, came to be properly considered, and duly weighed, he trusted no one would think the expence too great on the occasion. The blessings of peace had been preserved, and the credit of this nation was raised to a higher pitch than ever. The purpose of the bill too was only of a temporary nature; it was to raise the sum of 800,000l., and when it had done that, there would be an end of the bill. This, he said, would take up a space of little more than four years: he therefore trusted, that the burden for so short a period would be cheerfully acquiesced in. The noble Lord then moved, "That the said bill be "read a second time on Monday next;" and the same was Lord Grenville.

agreed to, and the Lords ordered to be ſummoned accordingly.

The Houſe adjourned.

Monday, 27th December.

This day the Houſe met purſuant to the adjournment of laſt week.

The bill to continue the act relative to the importation and exportation of corn, was read a third time and paſſed.

The Malt bill, the Aſſeſſed Taxes bill, and the Diſtillery bill, were read a ſecond time and committed to a Committee of the whole Houſe to-morrow.

The order of the day being read for the ſecond reading of the bill for laying additional duties on malt, and the queſtion being put, that the ſaid bill be now read a ſecond time.

Earl of Kinnoul.

The Earl of *Kinnoul* obſerved, that however unwilling he was to give any oppoſition, or occaſion any delay to ſo difficult a part of the office of adminiſtration, as that of impoſing additional burdens on the people, yet the tax propoſed on malt was of ſuch a nature as he ſhould wiſh decidedly to oppoſe; and which, if he could not ſucceed in this, he ſhould move to be put off for ſome time. It was a tax impolitic, oppreſſive, and unjuſt. Malt was already taxed ſo high, that it could not bear any additional burden. Any new tax muſt be hurtful to the revenue, for though it might increaſe the ſum paid for any given quantity of malt, yet by diminiſhing the conſumption, it could not but affect the whole produce of the duties on that article, which were already ſo high, that he had had it in agitation to move for a repeal of part of the duties already impoſed Their Lordſhips were not perhaps apprized of the rate at which barley, in its various forms, was already taxed. If they were not, the enumeration would aſtoniſh them. As malt only, it was taxed at the rate of ten ſhilling and ſixpence per quarter. The additional duty of threepence per buſhel would raiſe it to twelve ſhillings and ſixpence per quarter. When to this was added the land tax, and the duties on beer, which he ſeverally calculated, it would be found that the raw commodity, which brought the proprietor of the ſoil on which it was raiſed about nine ſhillings, paid to Government, in its ſeveral ſtages, above two pounds ten ſhillings. The firſt principle of finance, his Lordſhip obſerved, was that no article ſhould be taxed too high, that there ſhould be no exorbitant duties, the effect of which always was to oppreſs the ſubject and diminiſh the revenue. If the calculations he had ſtated were well founded, which admitted of no doubt, the preſent tax was an addition to duties already overcharged.

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It was partial and unjust, his Lordship said, as it fell chiefly, if not solely, upon the laborious peasant and the industrious mechanic, a class of the community which more than any other was entitled to the attention and protection of the House. For though the opulent paid for that quantity which they consumed, to them the tax was by no means an object. Its ill consequences were likely to be confined to the smaller manufacturers and husbandmen, the most useful and meritorious body of the people. With them it would operate in suppressing private breweries, a species of domestic industry, which deserved to be protected and encouraged; and in driving them from their own houses and families to the alehouse, where they might contract habits of dissipation, ruinous to their health, their morals, and public utility. Against these objections was urged, he said, the small sum, at which the tax was rated. This was, however, to be estimated according to the abilities of those upon whom it fell. Small as the sum might appear to those in more opulent circumstances, yet, to the poor, the repeated payment of such a sum became a matter of serious consideration and grievance.

Their Lordships, he supposed, knew, that upon every new imposition, the tradesman took occasion to raise the price of their commodity three or four times the value of the tax; so that every new tax gave rise to extortion much more exorbitant than the sum which it was intended to exact. It had been likewise said, that it was meant only to be temporary. On this head, however, he was not inclined to give much credit to the assurances of Ministers, nor did he suppose that they would be willing to drop it, if they should find, as they now certainly expected, that it was a productive tax. Besides, if it should have the bad consequences, which he had enumerated, before it should have accomplished its purposes, the mischief would be already done, and it would then be too late to counteract it. He concluded with moving, "That the second reading of the bill should be put off till "the 1st of February, 1791."

The Duke of *Montrose* observed, that the impossibility of imposing taxes which would not fall heavy upon some class of men, was well known to every one. But if there was any grievance in the present tax, it fell upon the rich and not on the poor, as there was a much greater proportion laid on strong than small beer. The sum, however, in both cases, was so small, that he apprehended it could not be productive of any bad consequences, either in occasioning inconvenience to the one, or preventing the hospitality of the other. If it should produce any such bad consequences the temporary nature of the tax gave at least a security against their continuance. If the tax was to take place, it would, however, be Duke of Montrose.

proper that it ſhould be paſſed at once, as any delay in the forms would give thoſe who were intereſted an opportunity of providing ſuch a ſtock of malt, as for the preſent year at leaſt would deprive Government of a great part of the advantage to be derived from the tax. On theſe grounds he oppoſed poſtponing the ſecond reading.

Lord Stormont. Lord *Stormont* was not ſurpriſed that the preſent tax ſhould be ſo much preſſed, at a moment when that veil of deluſion, which had been ſo long and carefully held up by miniſtry, was to be torn away from the eyes of the people. He ſaid, we were now within a few weeks of the boaſted millennium of 1791; the period when it had been promiſed that the public receipt ſhould exceed the public expenditure in a ſum of eight hundred thouſand pounds annually, to be applied to the reduction of the national debt. Whereas, it was evident, from the experience of paſt years, that the expenditure had exceeded the receipt, and, that inſtead of reducing any part of our preſent burdens, we ſhould be under the neceſſity of contracting additional debts, or impoſing additional taxes. His Lordſhip ſaid he was ſenſible of the neceſſity of paying expences which had been once incurred, and whatever he might think of the occaſion from which they had proceeded, he could not but approve of the plan of the Miniſter, which propoſed to defray them as early as poſſible. But of an additional duty on malt, he could by no means approve. The article was already ſo loaded with impoſition that it could not admit of any additional burden. Barley in its different ſtages contributed the greateſt part of the revenue, and, altogether, afforded no leſs a ſum than three millions eight hundred thouſand pounds.

It was highly impolitic, the noble Viſcount ſaid, to attempt to drain this ſource of national wealth by additional exactions. Such additions might be fatal to the revenue, by exhauſting its reſources; becauſe a branch of revenue was already highly productive, it ought not to be ſaddled with additional impoſitions. It might be loaded with burdens above what it could bear. A new tax did not always produce an acceſſion of revenue: while it increaſed the ſum paid for a particular quantity, it might diminiſh the general conſumption. This was the caſe in the preſent inſtance. The revenue ariſing from malt, taking the average of the three or four laſt years, would be found to be on the decline. He did not ſtate any one year, as the diminution then might be owing to a failure of the crop.

The ſmall ſum indeed, at which the tax was rated, might be urged as an argument againſt its producing any effect of this kind. But the ſum was by no means ſo ſmall, conſider-

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ing that part of the community on whom it fell; and the many additions which had already been made to the duties on malt ought to prevent any farther increase. As a consequence of the diminished consumption of malt, the importation of foreign spirits had greatly increased. For the year 1789, the importation of brandy had been one million eight hundred thousand gallons, about five hundred thousand gallons more than had been imported the year preceding; and smuggling was by no means extinguished. This could not be attributed to the operation of the commercial treaty, or the diminished duties, as all these advantages had been enjoyed in 1788 without producing the same effect. The consumption of British spirits had increased in a still greater proportion. The quantity for 1788 appeared to have been two hundred and twenty-two thousand gallons, and for 1789 four hundred and eighteen thousand, nearly double of the preceding year.

But besides all these circumstances, there were others, arising from the nature of the tax itself, which had been mentioned by the noble Lord who made the motion, as inducements for postponing the consideration of it. Notwithstanding what had been alledged by another noble Lord, it was a tax which fell not upon the rich, but upon the poor, it was in its tendency partial and unjust, it was directed against a class of the community whom they were more especially bound to protect, as they had now no other protectors; it fell upon the industrious poor, and the smaller farmers, who were accustomed to provide themselves at home with a simple and wholesome beverage. Every thing which tended to interrupt or disturb the uniform simplicity of their lives, must be considered as hurtful. In consequence of this tax, they would be sent to the alehouse in quest of the refreshment which labour made necessary; they would be separated from their families, exposed to the influence of bad company, and tempted to indulge in the use of spirituous liquors to excess. The effects to their industry and morals must be pernicious. There were people in the country, who were placed at such a distance from a brewery, that unless they supplied themselves, they had only this fatal resource left. To drive this most useful body of the people to such a resource, would be attended with mischiefs, which no accession to the revenue, far less such an inconsiderable one as was to be derived from the present tax, could compensate. It was said, that the duration of the tax was to be short, and he would not argue with his noble friend, who preceded him, that the Minister, if he found it productive, would be unwilling to repeal it. But were the effect of it to be such as there was every reason to apprehend, would the cessation of the tax cure the mischief

chief it had done? Would the man who had been driven from the comforts of domestic life, and habituated to the riot and dissipation of a common alehouse, forget the vicious habits he had acquired, and return to the calm and temperate enjoyments of his family? Would the man whose taste had been vitiated by the use of spirituous liquors be capable of relishing the plain and homely beverage with which he had been formerly contented? Such sudden transitions were not to be expected from men who had little to direct them but the impulse of their habits, when experience convinced us that the best education, and the most cultivated understanding, was not always equal to the exertion.

It had been suggested, his Lordship said, that a personal tax was preferable to a tax on consumption, a position which from what little knowledge he had of finance, he was by no means ready to admit as generally true. But, when a large sum of money was to be raised by a tax of short duration, a personal tax was undoubtedly preferable to such a tax on consumption as the present. When the personal tax expired, all the evils attendant on it expired with it; but of a tax on consumption, which tended to injure the morals, the health, and the habits of the people, the advantage was transitory, the evils permanent and unlimited.

He did not expect, he said, that his argument would make much impression on their Lordships; because he recollected how ineffectual his opposition had been to the shop tax, which the Minister pertinaciously maintained against argument and against reason. All that he had been able to urge against that tax had made very little impression on their Lordships' minds, till experience brought about that which argument could not effect. The tax had been repealed in another place, and the repeal being sent up to their Lordships, was then agreed to without a single dissenting voice.

Equally unavailing, his Lordship said, had been his opposition to the excise on tobacco: and he had little doubt but time would effect that relief to those who were aggrieved by the excise on tobacco, and those who were likely to suffer by the present tax on malt, which it had done for those who complained of the shop tax. But by the repeal of the shop tax all the inconveniences that accompanied it were removed; and so would the inconveniences of the excise on tobacco in a great measure. Not so would the evils of this tax. They would long be felt after the tax ceased to be productive. Under such circumstances, the bill, if not wholly dropped, ought not to be passed with so much incautious haste. Time ought to be given to collect from the various parts of the country, which it would most materially affect, information respecting its tendency and its probable consequences. His Lordship

Lordſhip concluded wirh ſaying he was therefore of opinion that the ſecond reading ought to be poſtponed till after the receſs.

Lord *Grenville* roſe next, and commenced his ſpeech with ſaying, that he had always been deſirous of diſcuſſing every queſtion on its own proper grounds. Their Lordſhips would not therefore expect that he ſhould ſay any thing on the ſhop tax that had been repealed, or on the regulations for preventing frauds in the collection of the duties on tobacco, which had been introduced collaterally into the debate, and which, he conceived, to have no connexion with the merits or demerits of the preſent tax. As little did he feel himſelf bound to notice what the noble Lord had thought proper to introduce reſpecting the ſtate of the public revenue and expenditure. That ſubject had been before introduced in a diſcuſſion to which it had as little relation as to the preſent, the debate on the convention, under the idea, he ſuppoſed, that from the concern he had had in another place in the report of a Committee on the ſtate of the public receipt and expenditure, the ſubject muſt always be proper, provided he was preſent. On that ſubject, however, Lord Grenville ſaid, he would not enter into any debate till the proper documents were before their Lordſhips. That period was faſt approaching, and when it did arrive, he truſted that the noble Lord, who had mentioned the ſubject before, or the noble Viſcount who had alluded to it now, would bring it regularly before the Houſe. It would then appear, that their calculations were as ill-founded, as their mode of introducing them was unſeaſonable: and that the ſtate of the public receipt and expenditure was ſuch as all their Lordſhips, and every man, who felt as an Engliſhman, would rejoice to peruſe. The preſent tax, his Lordſhip ſaid, made no part of the permanent expenditure of the country. It was part of a ſyſtem of finance to which, as a whole, he had not heard a ſingle objection; of a body of taxes brought forward to defray an extraordinary expence within a ſhort period. Of the objects to obtain which, that expence had been incurred, their Lordſhips had expreſſed their approbation. That they ought to be defrayed there could be no doubt, and that they ought to be defrayed with the leaſt poſſible loſs of time, had been generally admitted. Taxes, to be productive, muſt be felt; ſo large a ſum as 800,000l. could not be raiſed within the year without falling heavy ſomewhere. The only queſtion then was, whether this tax, as a part of the whole, was ſo objectionable as to deſerve to be rejected. He would not ſay, continued his Lordſhip, that the money muſt be had, and therefore that the tax muſt paſs. To ſuch a miſerable argument he would not have recourſe, becauſe he knew the ſitu-

Lord Grenville.

ation and resources of the country to be such, that if the tax was improper, a substitute could be easily found.

The noble Viscount had said, that additional duties on malt were improper, because they tended to diminish the consumption, and to lessen the produce of the revenue upon the whole. Were he disposed to resort to the *argumentum ad hominem*, he might say that the mode of the tax was planned by an administration, with which the noble Viscount was particularly connected, of whom the present administration were in that respect only the humble imitators. An additional duty of sixpence per bushel had been imposed in 1780; the noble Viscount must therefore disapprove of a measure which he had formerly supported, or approve of the present additional duty. This argument, however, his Lordship said, he would not press. The tax was to be examined on its own merits. The principal objections he had heard to it were, that it was partial, and tended to produce ill effects on the health and morals of the industrious poor. Every tax must be more or less partial, till that great *desideratum* in finance could be found out, a tax that would affect every individual in the community in the exact proportion that he ought to bear. Could such a tax as this be discovered, there would be an end of all other taxes; but till it was discovered, every new tax must fall heavier in a certain degree on some particular description of men than on others. All that could be done, was so to calculate the general aggregate of taxes as to bear on all ranks and descriptions of men as nearly as possible in proportion to their ability. Now, what was the case at present? A number of taxes were proposed to raise a large extraordinary sum, within a short period. Was there any one of these taxes that could be said to affect the poor in the least degree, except the additional duty on malt? Not one; and of this they would pay only a share. It was evident, that of the extraordinary aid required the poor paid perhaps less than their fair proportion. The objection of partiality was consequently done away. With regard to the evil consequences predicted from it, they appeared to have no foundation in experience. If the former additional duty had not put an end to the private breweries, was it to be expected that so small an addition as the present would do it? The additional charge per gallon on the beverage of the poor would be less than one-third of a farthing; a charge so small, as could not, surely, prevent any man from brewing for himself who had been accustomed to do so before. It would, indeed, as a noble Lord had observed, fall much heavier on the rich than on the poor, as the beer brewed by the former would pay three times as much as that usually brewed by the latter.

 When

When the noble Viscount mentioned the great increase in the quantity of foreign spirits for which duty was paid, it was unfair to anticipate the true answer to the argument which he built upon it. Notwithstanding what the noble Lord had said of the continuance of smuggling, it was certain that lowering the duties on spirits, and the various wholesome regulations adopted by the last Parliament, had greatly restrained smuggling, and increased the regular entries of the articles that were the objects of it. It was equally true, that the wealth and commerce of the country had increased in a manner unexampled in any former period, and that the situation of the poor had been so much improved as to enable them to consume much greater quantities of exciseable commodities than they had ever done before. To these causes was the increased consumption of British and foreign spirits to be attributed, and not to any diminution of the private breweries by the increased duties on malt. The advantage to the private brewer over the common brewer was still so great, being nearly in the proportion of two to one in point of duty, as to afford sufficient encouragement to all, who chose it, to brew at home. Conceiving, on these grounds, that the tax was neither partial, nor likely to produce any evil consequences, his Lordship said he was of opinion that it ought to pass. And as the operation of it was to be but temporary, and there was an evident advantage in bringing the produce of it to account as soon as possible, it ought not to be delayed, because delay would afford the means of evading it, at least for a considerable time.

Lord *Loughborough* said he was happy to hear from authority, that the finances were in a flourishing situation; that the public receipt exceeded the public expenditure, and that there was no pressing exigency for money which called for instantly passing the tax. The circumstance of their Lordships being summoned to discuss tax bills at a time usually allotted to recess from their parliamentary duties, might have induced a suspicion that the demand for money was too urgent to be delayed. But as they had been relieved from any apprehension on that account, he hoped the urgency of passing a retrospective tax, a mode of taxation not very usual, would not be considered so very pressing as to preclude consideration. The making of malt was not a process that could be much hastened; and it seemed hard to be attaching the tax to the stock in hand, to that which men had provided under other circumstances, and without any expectation of an additional duty. When the noble Lord said that he and his colleagues in office were only the imitators of a former Administration, in laying an additional duty on malt, it would become their wisdom to consider what had been the

Lord Loughborough.

effect of that addition, and whether experience had not proved that any subsequent addition would be injurious, not only to the revenue, but to the people. Besides, the circumstances of the times were widely different. The additional duty of sixpence per bushel had been imposed in 1780, a period of great and urgent necessity, in the most expensive year of a most expensive war. The present was declared to be a period of no necessity, when wealth and commerce were daily flowing in upon us, and when, of course, other taxes could be readily found. Much as he respected the noble Lord at the head of Administration in 1780, he was persuaded that nothing but the necessity of the time could have induced him to adopt that mode of raising money, and that he would not have adopted it, had he been aware of all its consequences. The effect of the repeated additions to the duty on malt, his Lordship said, had been a great diminution of the quantity consumed, and a very considerable decrease of the old duties, not less than seventy thousand pounds. If then the additional sixpence in 1780, had produced less than it was calculated to produce, and reduced the produce of the old revenue, the value of the duty now proposed was to be estimated only by the surplus left after deducting what it might be expected to take from the produce of the existing duties. It was to be considered that exorbitant duties not only diminished consumption, but tempted men to substitute other articles for the commodity so exorbitantly taxed. He needed not inform their Lordships that the brewers were acquainted with various substitutes for malt in brewing, and that on the beer ptoduced from these substitutes, they obtained a drawback for duty that had never been paid. This operated in the nature of a bounty, and with the addition of superior skill and better utensils, gave them such an advantage as the private brewer could not contend against. In the town of Leeds, before 1780, he could not recollect the precise date, there was but one common brewer, and his whole stock in trade amounted only to three thousand pounds. It would not be imagined that the parish of Leeds, containing more inhabitants than some counties, was supplied with beer from such a stock as this. The fact was, that the people were supplied by their own private brewing, which was now nearly suppressed; and since that period, the number of common breweries that had been erected in all parts of the country was inconceivable. The industrious poor who were thus prevented from brewing for themselves, could not be all supplied from the common brewery. It was erroneously supposed, that they all lived in towns where they could have access to the common brewery. Many of the manufacturers, and many who were partly manufacturers and partly farmers,

were spread over the face of the country, at such a distance from any public brewery, that the carriage would far exceed the amount of any duty. And those who were prevented from brewing for themselves, a more useful and industrious set of people than the manufacturers collected in towns, had no resource but in the alehouse, or the use of spirituous liquors. The effect of the additional duties on malt, had been to reduce many of this class of people to these extremities, and the effect of the addition now proposed would greatly extend the evil.

Their Lordships had been told, that the additional duty was so light, as hardly to be felt by the poor. The pressure of every burden was felt in proportion to the weakness of him who bore it. Few of their Lordships, he was afraid, could form an adequate idea of the effect of any additional duty on a necessary of life to the poor. It had been said, he believed by Montesquieu, "that a Farmer General, after dinner, would sign an order, by which a whole province might be reduced to beggary and want; and no man could accuse him of inhumanity, because in the first moments of indigestion, it was impossible for him to conceive that people could die of hunger." Thus it was, his Lordship said, that man's reasoning was clouded by the feelings incident to their own situation in life. Let the tax, however, be considered, and the annual amount to a poor man would be found to be heavy. Allowing a gallon per day for the consumption of a family, an additional duty of one-third of a farthing per gallon would be five shillings a year. What would their Lordships think of a capitation tax to that amount on every adult male of the industrious poor? Would they not reprobate the idea as unjust, oppressive, and cruel? The effect of this tax was still worse, as it tended to corrupt their morals, injure their health, and ruin their industry. In Yorkshire, and other counties, it was usual for the farmers to allow their labourers beer. Was this duty no burden on them? It tended not only to injure those who were immediately employed in the manufacture, but those who were employed in raising the materials of manufacture, and he was confident would be felt much more in the increase of the poor rates, than the increase of the revenue. It was also partial in its operation, partial as it would apply; although generally imposed by the letter of the bill, it would affect those counties only, where beer was the common beverage of the people, while the cyder counties, and great towns where the common brewer supplied the whole demand, were totally exempted.

There was also another objection to it, his Lordship said, which would be more properly discussed in the Committee.

The drawback allowed to the brewer on ſtrong beer was erroneouſly calculated, and gave a greater allowance on a given quantity of beer than the amount of the duty paid on the malt employed in brewing it. For all theſe reaſons, he thought time ought to be given to conſider, and to collect information from thoſe parts of the country in which it was likely to be moſt felt. Thoſe who were to ſuffer by it were ſeparated and diſperſed. They could not hold meetings to conſult on their common grievances, and excite a clamour againſt a tax. As it was meant to be temporary, its being continued for ſix weeks longer than was at firſt intended, could be of little conſequence, and this was all the inconvenience to be apprehended from the propoſed delay. If, on inquiry, it ſhould appear to be a proper tax, the people would ſubmit to it with more chearfulneſs, when they knew that it had not been impoſed upon them, but on mature conſideration, and a cautious regard for their circumſtances.

The queſtion, "That the bill be now read a ſecond time," was put and carried.

The bill was accordingly read a ſecond time, and ordered to be committed to-morrow.

The Houſe adjourned.

Wedneſday, 29th December.

This day His Majeſty came to the Houſe and being ſeated on the throne, Sir Francis Molineux, Gentleman Uſher of the Black Rod, went to the Houſe of Commons, and commanded their immediate attendance.

As ſoon as the Speaker of the Houſe of Commons came to the bar of the Houſe of Lords, he addreſſed His Majeſty to the following effect:

"That His Majeſty's moſt faithful and loyal Commons "had cheerfully provided the neceſſary ſupplies for defraying "the expences incurred by the armament lately entered into "for the maintenance of the honour, and ſupport of the "dignity, of His Majeſty's Crown. That in providing "theſe ſupplies, His Majeſty's faithful Commons had a"dopted a principle, which, although it would in ſome de"gree increaſe the temporary burthens of the country, "would add no permanent load to the national debt, and "would afford to ſurrounding nations a ſtriking proof of "the internal ſtrength and copious reſources of the king"dom, at the ſame time that it would hold out an example "to poſterity and form a precedent, which it was the ardent "hope of His Majeſty's faithful Commons future Parlia"ments would follow."

The Speaker then read the titles of the ſeveral bills of ſupply which he had brought with him from the Houſe of Commons,

Commons, and delivering them one by one to the clerk, humbly intreated His Majesty's most gracious concurrence.

After which His Majesty retired, and the Commons withdrew.

The House was, upon motion, adjourned to Monday the 31st of January.

Wednesday, 23d February, 1791.

The order of the day having been read for the second reading of the bill, to dissolve the marriage of John Walford, the younger, with Sophia Elizabeth Jeanes, his now wife, and to enable him to marry again,

Counsel were called to the bar, and the bill read, which briefly is as follows:

That John Walford, on the 29th of November, 1781, married Sophia Elizabeth Jeanes, and until the 16th of February 1789, they cohabited together, and had three children, one of whom is living. That on the said 16th of February, 1789, his wife abruptly left him, and entered into, and carried on, an unlawful familiarity with Thomas Valentine Cook, Esq. and the said John Walford hath not, since that time, cohabited with her; but she hath, since her said adulterous cohabitation, had issue. That he commenced an action against Thomas Valentine Cook, in the Court of King's Bench, at Westminster, in Trinity term, 1789, and obtained a judgement with damages. That he also exhibited a libel in the Consistory Court of the Bishop of London; and on the 9th of July, 1790, obtained a definitive sentence of divorce. That, as the said Sophia Elizabeth hath dissolved the bond of marriage, the bill prays, that the marriage bond may be made void, and that it may be lawful for the said John Walford to marry again: then follow the other usual clauses contained in bills of this kind.

Mr. Park, as Counsel, was heard in support of the bill, and witnesses were called to the bar, to prove the several allegations; and being withdrawn, the bill was, upon motion, ordered to be committed to a Committee of the whole House the next day.

The House adjourned.

Thursday, 24th February.

This day the House in a Committee of privileges, took into further consideration the petition of the Earl of Selkirk and the Earl of Hopetoun; after hearing Sir John Scott in reply, and after a conversation between Lord Kinnoul, the Lord Chancellor, Lord Stormont, and Lord Grenville, it was moved to postpone the further consideration until Monday next.

The

The House in a Committee on Mr. Walford's divorce bill went through the same, making an amendment; the report was upon motion ordered to be received the next day.

The House adjourned.

Friday, 25th February.

This day Counsel were called to the bar to be heard on an appeal, wherein Magdalane Barbari De la Motte is appellant, and Sir William Jardine of Applegirth, respondent; a sentence of divorce having been obtained by the respondent against the appellant in the Commissary Court of Edinburgh.

The ground of appeal was, that the only witness who swore to a positive act of adultery ought not to be believed, he having deposed, that he saw things through holes bored in the door of a bedchamber, and over the bed, which by the situation of the premises, it was physically impossible that he could have seen.

To prove this, a model of the bedchamber and furniture, &c. was offered in evidence, which their Lordships did not think proper to inspect, and affirmed the sentence of the Commissary Court.

Lord Grenville brought down a message from His Majesty, which was read by the Lord Chancellor. It intimated His Majesty's intention of new modelling the constitution of Canada, and forming a division of that province into Upper and Lower Canada; and of allotting lands to the support of Protestant clergymen. And required their Lordships to take the subject under consideration.

Ordered to be laid upon the table, and to be taken into consideration on Wednesday.

The House adjourned till the next day.

Monday, 28th February.

Counsel were called to the bar to be further heard on the appeal of Morehead and Edmonstone, and the Counsel on both sides having been fully heard, the Interlocutors complained of were affirmed.

Lord Grenville rose, and after a few introductory words, moved,

" That an humble address be presented to His Majesty, " to return His Majesty the thanks of this House for his " most gracious message, and to assure His Majesty, that " this House will concur in such measures as may be most " conducive to answer the several purposes therein men- " tioned."

The same was upon motion ordered to be presented to His Majesty by the Lords with white staves.

Mr.

Mr. Walford's divorce bill was read a third time, and passed.

The House adjourned.

Tuesday, 1st March.

The House in a Committee of privileges, took into further consideration the petition of the Earl of Selkirk and Earl of Courtoun. As soon as the Chairman had taken the Chair,

Lord Kinnoul rose, and after a speech of some length, concluded with moving,

"That the proper officer be directed to amend the certificate, or return, by inserting the names of Dunbar Earl of Selkirk, and James Earl of Hopetoun, without prejudice of petitioning against the merits of the return so amended."

After a debate, in which the Duke of Montrose, Lord Stormont, Lord Loughborough, the Lord Chancellor, &c. spoke, the motion was, by leave of the Committee, withdrawn.

The House adjourned.

Thursday, 3d March.

In a Committee of Privileges, Lord Cathcart in the chair, the petition of the Marquis of Abercorn was read, complaining that his vote had been rejected at the last election for sixteen Peers to represent in this Parliament the Peerage of Scotland.

Viscount *Stormont* thought it would simplify the business before their Lordships, and save much time, were their Lordships to hear and determine upon all those petitions which had been presented from Lords who had maintained or denied the legality of the votes given by the Marquis of Abercorn and the Duke of Queensberry, before they proceeded to the other petitions. His Lordship said he would make no motion on the subject, till the Counsel had finished their pleadings, but wished that the resolution of the House, "That no Scotch Peer, being created a Peer of Great Britain since the Union, could have a vote at the election of the sixteen Peers for Scotland," might be read. Viscount Stormont.

The resolution being read, the Counsel, Mr. Elliot, proceeded to open his case, upon the petition of Lord Abercorn, who had sent a signed list, accompanied by a certificate from the Sheriff of Edinburgh, of his taking the proper oaths in order to qualify him to vote at the last election of Scotch Peers, which certificate and signed list had been rejected by the clerks at the meeting at Holyrood House: of this his Lordship's petition complained, and the Counsel called evidence

dence to prove that he had taken those oaths. A witness being examined, who swore to a copy of the original certificate, which he had seen the Sheriff of Edinburgh sign, the Counsel on the other side objected to the copy of the certificate being admitted as evidence, because the laws expressly stated that the certificate should have been delivered into the Peers at their meeting at Holyrood House, when they met for the purpose of electing sixteen Scotch Peers to serve in Parliament. They farther contended, that there was no proof offered or adduced of that certificate being laid before the meeting; it was therefore incompetent to be received as evidence at the bar of the House of Lords.

This brought on a conversation between the Lord Chancellor, Lord Stormont, Lord Kinnoul, and Lord Loughborough, upon the admissibility of the evidence

Ld. Chancellor. The *Lord Chancellor* said, he was as willing as the noble Viscount to shorten the delay of the proceedings, and would readily adopt any measure that could tend to that point. He was, however, doubtful, from some questions that had been put to the evidenee to-day, and the answers given, whether the cases of the Duke of Queensberry and Lord Abercorn were precisely similar. His Lordship was of opinion, that their Lordships should receive the evidence offered; and after stating his mind fully on that subject, he made some very pointed remarks on the conduct of the clerks or deputies of the Lord Register, at the election. He said, the minutes of the election at Holyrood House, were the most confused, and the most foreign to the subject, as records, of any Court that he had ever seen. It mattered not to the merits of the election, if the ablest and best speeches that could be made, had been spoken by any of the noble Lords present. The only matter, his Lordship asserted, that ought to appear upon the record was, the proceedings of the election, and the clerks had no title whatever to introduce matter irrelevant to that election. He wished that the certificates might be read as evidence, but reserved all opinion on, or investigation into, the validity of these votes for future discussion.

Viscount Stormont. Viscount *Stormont* explained, and likewise noticed the conduct of the clerks at the last election of Scotch Peers at Holyrood House, which he considered then, and now, as highly improper. In place of being purely ministerial, as their office surely was, they had assumed even a dictatorial capacity over the Peers, which he, for one, and he believed all other Lords, never thought they possessed.

Upon the motion of Lord Grenville, the Committee adjourned till Tuesday next, when Counsel are to proceed.

The House adjourned.

Thursday,

Thursday, 10th March.

In a Committee of Privileges, heard Counsel farther on the petitions relative to the election of Scots Peers. The Counsel concluded on the petition of the Marquis of Abercorn, and were heard in part on that of the Duke of Queensberry.

Lord *Loughborough* said, that he had now in his hand a plan for regulating the mode of proceeding, which, if adopted, he was of opinion, would save both the time of their Lordships, and the expence of attendance to the parties. This plan, he said, he would now deposit in writing with the clerk, and meant on Tuesday to submit it to the consideration of the Committee. If it should be approved of, he meant to give all the Lords who were interested in the particular question, an opportunity of coming forward with their claims; and if they should not embrace this opportunity, to prevent them from afterwards arguing over the same points. Lord Loughborough.

Farther hearing adjourned till Tuesday.

The following is a Copy of Lord Loughborough's Plan for regulating the mode of proceeding on the several Petitions respecting the Election of Peers to represent the Peerage of Scotland:

" Questions that arise upon the several petitions presented to the House, relative to the election of the Scots Peers:

" I. The validity of the votes, under the titles of Caithness and of Ochiltree, is impeached on the ground that the claim of these titles is depending before the House, by the petition of the Earls of Selkirk and Hopetoun.

" This objection, as applied to the return, the Committee has in effect laid aside; but as applied to the merits of the election, the same objection occurs upon the petition of the Marquis of Tweedale, &c. No. 6.

" II. The right of the Marquis of Abercorn and of the Duke of Queensberry to vote at the last election, asserted by their petitions, No. 2 and 4, and the benefit of their votes, as tendered at the last election, is claimed in the following manner, viz.

" The Earl of Stair, by his petition, No. 13, insists to add to the votes in his favour those of the Duke of Queensberry and the Earl of Abercorn.

" The Lord Somerville, by his petition, No. 7, and the Earl of Galloway, by his petition, No. 12, insist to add the vote of the Earl of Abercorn to the votes in their favour.

" III. Ten titles are brought into question, viz. the titles

of Belhaven, Napier, Lindores, by the petition of the Marquis of Tweedale, &c. No. 6.

" The titles of Rothesay and Newark, by the petitions of Lord Somerville, No. 7, Lord Napier, No. 8, Earl of Galloway, No. 12, Earl of Stair, No. 13.

" The titles of Moray and Dumblaine, by the petition of Lord Kinnaird, No. 10.

" The title of Lord Fife, which was not admitted at the election, is asserted by the petition, No. 9; and the benefit of his vote, as tendered, is claimed by the petition of the Marquis of Tweedale, &c. No. 6.

" The titles of Caithness and of Ochiltree are in issue, upon the petitions referred by His Majesty's order to the House, and also on the several petitions respecting the last election.

" Of these ten titles, six have been voted on at former elections, four have not.

" The allegations of the several petitions are so inexplicit, that it does not appear from any of them on what ground objections are made to those in possession, nor in what manner those who are not in possession claim their right.

" It seems necessary, therefore, that the Committee should require the objections, and also the claims to be specifically set forth by the several petitioners who have undertaken to maintain them.

" IV. The qualification under which the vote of the Lord Kinnaird, and as proxy for the Earl of Dysart and Lord Cranstoun was given, is impeached by the petitions of Lord Somerville, Lord Napier, Earl of Galloway, and Earl of Stair.

" V. The qualifications under which the votes of the Earl of Roseberry, the Earl of Deloraine, Lord Viscount Dumblaine, Lords Sinclair, Lindores, Fairfax of Cameron, were given, is impeached by the petition of the Marquis of Tweedale, &c.

" The state of both these objections will appear upon the documents before the Committee, and the force of the objections may probably depend upon the construction of the acts of Parliament respecting the mode of proceeding upon the election of the sixteen Peers.

" Besides the parties who are before the Committee as petitioners, nine of the thirteen Peers returned as duly elected have an interest in all the questions, and a right to be heard upon them, for the only elections not impeached by any petition, are those of the Earls of Lauderdale, Dumfries, Breadalbane, and the Viscount Stormont.

" To bring these questions into some method that may

avoid uſeleſs repetition, it ſeems neceſſary that the Committee ſhould direct,

"I. The Earls of Stair, Galloway, and the Lord Somerville, to proceed according to their reſpective intereſts, to ſupport the claims of the Earl of Abercorn and the Duke of Queenſberry.

"II. That ſuch of the Peers returned as may conceive themſelves to be intereſted in the ſupport of theſe claims, may be heard upon them if they think fit.

"III. That the agent for the Marquis of Tweedale, and others, deliver a ſtate of the objection to the title or vote of Lord Lindores and the Lord Napier, to the agent for the Earl of Stair, Galloway, Lord Somerville, and Lord Napier, and alſo deliver the ſame into the Committee within one week.

"IV. That the agent for Lord Kinnaird deliver in like manner a ſtate of the objection made by his petition to the title or vote of the Earl of Murray, and of the Viſcount Dumblaine.

"V. That the agent for the Earl of Stair, Galloway, Somerville, and Napier, in like manner deliver a ſtate of the objection made by their petitions to the title or vote of the Duke of Rotheſay and of the Lord Newark.

"VI. That a ſtate of the claim of Walter, claiming the title of Lord Lyle, be delivered into the Committee by his agent.

"VII. That a ſtate of the claim of the perſon voting under the title of Belhaven, be delivered into the Committee by the agents for the Earl of Stair, &c.

"VIII. That the agents for the petitioners claiming the titles of Caithneſs and of Ochiltree, deliver to the Committee their reſpective caſes.

"Each of theſe ten titles will form a ſeparate queſtion, and even if the two laſt were excluded, as to the late election, by the preliminary objection, their right muſt be decided upon their own petitions. The queſtion on the votes of the Earl of Abercorn, and the Duke of Queenſberry, may be appointed for deciſion as ſoon as the argument is cloſed.

"The two laſt queſtions on the qualifications, if on inſpection of the rolls the objection as to Lord Kinnaird is founded in fact, are mere queſtions of law, on which the opinion of the Judges may be taken, and for this purpoſe ſhould be referred back to the Houſe."

Monday, 14th March.

Counſel were called in upon the cauſe of Robert Mackreth, Eſq. againſt Mr. Fox Lane, &c. and Mr. Mansfield

 being

being heard as second Counsel for the Respondent, and Mr. Ambler in reply for the Appellant,

Lord Loughborough moved, "That the decree be affirmed, "with 200l. costs." Ordered.

Lord Kenyon presented a bill for regulating the clerks of assize, associates, and clerks of indictments, and a bill to regulate the distribution of rewards in cases of felony, and to enable persons convicted of petty larceny to be witnesses, which were severally read a first time.

The House adjourned.

Monday, 21st March.

Counsel were called to the bar to be heard on the adjourned argument of the appeal wherein Sir James Riddell is Appellant, and James Grossett and others respondents; and after Counsel on both sides having been heard, as well as Sir John Scott in reply, and being directed to withdraw, the Lord Chancellor left the woolsack; and, after a long speech, submitted to their Lordships the judgement which in his opinion ought to be pronounced, which was, to reverse the interlocutors complained of, and to remit the cause, with certain directions to the Court of Session in Scotland. The same was upon the question agreed to.

The House adjourned.

Monday, 28th March.

Lord *Grenville* rose, and said, that he held in his hand a message, which His Majesty had commanded him to deliver to their Lordships.

He then moved, "That the message be read," which was read accordingly.

GEORGE *R.*

His Majesty thinks it necessary to acquaint the House of Lords, that the endeavours which His Majesty has used, in conjunction with his allies, to effect a pacification between Russia and the Porte, having hitherto been unsuccessful, and the consequences which may arise from the farther progress of the war being highly important to the interests of His Majesty and his allies, and to those of Europe in general, His Majesty judges it requisite, in order to add weight to his representations, to make some farther augmentation of his naval force. And His Majesty relies on the zeal and affection of the House of Lords, that they will concur in enabling His Majesty to defray such additional expences as may be incurred by these additional preparations, for the purpose of supporting the interests of His Majesty's kingdoms, and of contributing to the restoration of general tranquillity, on a secure and lasting foundation.

Lord Grenville then moved, "That their Lordſhips do "take the meſſage into conſideration to-morrow, and that "the Lords be ſummoned." Ordered accordingly.

Lord Rawdon. Lord *Rawdon* roſe, to call the attention of their Lordſhips to a matter which he conceived to be of great importance, though in noticing it, at this time, he might not be ſtrictly in order. What he meant was, the preſent ſtate of the finances of the country, which he conceived to be very different from the ſtatement that had been given out by adminiſtration. He begged leave to remind their Lordſhips of the high language held by the noble Secretary of Sate on that ſubject, when the merits of the convention with Spain were under diſcuſſion and could pledge himſelf to ſatisfy the Houſe and the public whenever the queſtion came to be argued, that the ſtatement of the noble Secretary was fallacious in the extreme, and deſerved no other name than a groſs impoſition upon the public. He wiſhed to be perfectly underſtood, and was now ready to go into the point at iſſue between the noble Lord and him. On his own part, he conſidered it as his duty; and on the part of the noble Lord, he thought an accurate inveſtigation into the real ſtate of our finances was a duty which the noble Lord owed to that Houſe, and to the country at large.

Lord Grenville. Lord *Grenville* roſe in repy. He ſaid, that notwithſtanding what the noble Lord had ſaid, he had no heſitation in repeating what he had ſtated, on the occaſion alluded to, concerning the finances of the country, which he knew to be in the moſt proſperous and flouriſhing ſituation that they had been in during any former period whatever, and was ſure it would be found ſo whenever their Lordſhips might think fit to inveſtigate what he had advanced, and the grounds upon which he went. His Lordſhip ſaid he did advance this to be the real and true ſituation of the country, whatever might be ſaid to the contrary. He muſt likewiſe deny, in expreſs terms, any deſign in adminiſtration to impoſe upon the country, by the ſtatement which the Committee had made in 1786.

Lord Rawdon. Lord *Rawdon* ſaid, he could not help obſerving the ſtudied caution with which the noble Secretary had evaded any direct anſwer on the ſubject, which he had taken the liberty to addreſs their Lordſhips upon, both formerly and to-day, becauſe he had made no particular motion as yet. He now would meet the noble Secretary in his own way, and ſtate a diſtinct, explicit, and clear propoſition, in hopes that he would be honoured with a complete, deciſive, and full anſwer. The propoſition was, and he would maintain the truth of it, that, on the expenditure, the country had been amuſed with an idea, that there was a ſurplus of revenue equal

equal to one million yearly, which was appropriated to paying of the national debt. This, Lord Rawdon contended, was not the caſe; and he could prove to their Lordſhips that there was no actual ſurplus, but on the contrary, that the reverſe of it would appear when inveſtigation took place. In this ſituation, he ſaid, no Miniſter could be juſtified on any grounds, who involved the country in war, or brought unneceſſary expence upon a nation already by far too much overburthened. He would therefore move their Lordſhips, "That a Committee be appointed to examine and report the "ſtate of the revenue and expenditure of the country, for the "three years, commencing the 5th of January, 1786, and "ending the 5th of January, 1789."

Lord Grenville. Lord *Grenville* pledged himſelf to meet that, or any other ſpecific meaſure which the noble Lord thought proper, whenever it was brought forward. At preſent he muſt ſay, that he thought the converſation which had taken place rather irregular; and ſubmitted to their Lordſhips, and to the noble Lord himſelf, whether this was not a precipitate manner of introducing ſo important a motion to the conſideration of their Lordſhips, and whether it might not have been expected that longer notice would have been given previous to the diſcuſſion of it. Having ſtated this, his Lordſhip ſaid, he would ſit down in expectation that the noble Lord would name ſome future day for his motion, rather than preſs it in ſo haſty a manner upon their Lordſhips now.

The motion was then read by the Lord Chancellor; after which,

Lord Rawdon. Lord *Rawdon* obſerved that, in the examination and report which he wiſhed to be made, he would not agree to any anticipation of revenue that might be expected in future from particular cauſes, as forming any part of the ſtatement. He then in reply to what Lord Grenville had juſt ſpoken, ſaid, if it was more agreeable to the noble Secretary that he ſhould name another day, he had no objections to name Wedneſday, and moved, "That the farther conſideration of the motion "ſhould be poſtponed till Wedneſday," which was agreed to.

Lord Porcheſter. Lord *Porcheſter* roſe only to ſay a few words reſpecting the preſent ſtate of our affairs in the Eaſt-Indies. He did not now mean, his Lordſhip ſaid, to make any motion on the ſubject; but if there was no objection to his naming Friday, he gave notice that he meant on that day to bring forward a motion for the production of certain papers relative to the war now carrying on in the Eaſt-Indies.

The Houſe adjourned.

Tueſday,

Tuesday, 29th March.

His Majesty's message relative to the naval armament having being read,

Lord *Grenville* said, he rose to call the attention of the House to a consideration of the subject to which the message from the Throne referred; and should with the greater readiness move an address of thanks to His Majesty, for the important information which he had been graciously pleased to communicate to their Lordships in it, because he conceived that there could be no difference of opinion upon the propriety of the motion, which he would have the honour to make before he sat down. It must at all times, his Lordship allowed, be a disagreeable task to introduce any measure, the consequences of which tended, in the smallest degree, to lay additional burthens upon the people; and there was no man felt that sentiment more forcibly than he did. For certainly those who were chiefly concerned in the administration of the executive power, must feel the painful task which their duty imposed upon them in a degree equal to the share they were obliged to take in that duty. One thing, however, was to be considered as rendering the task less embarrassing; and that was, the necessity for the measures which occasioned such burthens, and the probability that they would be successful in preventing any future additions to the distresses of the country. Lord Grenville.

He then begged leave to remind their Lordships of what had passed in the beginning of the session, when the King's most gracious speech from the throne was discussed by their Lordships; and he trusted the same confidence in the executive Government, which had then so eminently marked their proceeding, would be followed up now by a similar readiness to concur in whatever might be expedient and politic for securing the wishes of His Majesty and the people at large, by establishing and securing a lasting and solid pacific system over all Europe. To do this, the encouraging and keeping up of continental alliances was absolutely necessary; and the countenance and avowed approbation which their Lordships had given to the system of continental alliances that had been entered into, left him no room to doubt that the same confidence would be now reposed in His Majesty's servants, with which they had been honoured, in a similar situation, at the opening of this Parliament, and which nothing inconsistent had hitherto merited the forfeiture of. His Lordship then entered into a justification of the principle on which this augmentation of our forces was to take place. He maintained, that policy always required that we should watch with a jealous eye the progress of the various powers of Europe;

rope; for it was not sufficient that we were not immediately engaged in hostilities; we were to see how the power of other states increased; for by that increase, ours might be affected; and when that should appear to be the case, it was a duty to use our endeavours to counteract it; and situated as this country now was, he believed there would be no difficulty in seeing, that the present power of Russia was such, as to call on us to interpose our weight to check its progress. His Lordship observed, that this measure became now indispensible; for during the course of the last two years, His Majesty had constantly endeavoured to effect general tranquillity in Europe, and in a great degree these endeavours had succeeded, but not altogether, something still remained to be done. A great part of that great work still remaining to be accomplished. it was to this end that the measure now before their Lordships was adopted; and the question now was, whether their Lordships had any ground to remove from the King's servants that confidence which they extended to them on former occasions, and which he trusted was not the case; after having enlarged on the necessity of agreeing to such augmentation in our forces, as the King by the advice of his Ministers might think expedient to make, his Lordship moved,

"That an humble address be presented to His Majesty, to return His Majesty the thanks of this House for his most gracious message.

"To express our regret, that the endeavours which His Majesty has used, in conjunction with his allies, to effect a pacification between Russia and the Porte, have hitherto been unsuccessful.

"To assure His Majesty, that this House will be ready to grant the supplies which may be required to make such farther addition to his naval force, as shall add weight to his representations, for the purpose of supporting the interests of these kingdoms, and of contributing to the great and important object of restoring the tranquillity of Europe, on a secure and lasting foundation."

Earl Fitzwilliam

Earl *Fitzwilliam* rose immediately after Lord Grenville. He said, he was not a little surprised that their Lordships should be called upon in that abrupt manner to give their consent and approbation to sentiments fraught with consequences the most dangerous, as well as the most important, without having heard from the noble Secretary of State, or any other person connected with administration, one syllable of information, or any thing that could in the least explain either the present state of our continental alliances; what had occasioned the necessity for another armament and another load of expence and taxation upon the country; what were

the measures that had been pursued by His Majesty's Ministers, to avoid the calamity which they had plunged the country into; or what measure they meant to pursue to extricate the country from the destruction that seemed to be approaching from the conduct that had been followed by those in power. Decency, and a regard to the dignity of that House, his Lordship thought, might have induced the noble Lord to have given some explanation; and he hoped still something farther would be given before their Lordships were called upon to give their votes. Leaving the country entirely in the dark as to the causes and motives of their conduct and actions, was not the way to obtain that implicit confidence which seemed to be so much the object and wish of Ministers.

His Lordship, after this, took a view of the relative situations of the continental powers in Europe, and the advantages or disadvantages that must attend Great Britain, from being more or less connected with each; and he contended that going to war upon the pretence, which rumour stated to be our only pretence against the Empress of Russia, would be unjust, impolitic, and in every way detrimental to the interests of this country. His Lordship said when he mentioned rumour, he did not mean to argue from it; but it was impossible for him, or any other noble Lord to argue upon the cause of the present armament, when those who alone could satisfy the country upon that point, had refused the least trace of information. As to augmenting the naval force, it might be necessary, for any thing that the House knew to the contrary, but few could say that they knew from what cause that necessity existed. About two years ago an addition of ten thousand men had been made to the naval establishment of the country, in times of peace, and he believed that number was perfectly sufficient for a peace establishment. Upon the present application, they were not told what the increase was to be; for what purpose; or could they obtain any one piece of information that could throw any light upon the subject. A considerable increase of that establishment, his Lordship said besides what he had mentioned, had been kept up since November last; and after all, it seems more is required. In his opinion, if Ministers knew, or suspected that any such augmentation of naval force would be requisite so soon, it would have been much better for the country had they not dismantled the fleet, and disbanded the seamen, at the time which they did; though, perhaps, the contrary system was more adapted to that mysterious secrecy, and ambiguous conduct, which attended all the measures of the present Cabinet. His Lordship called upon Ministers for explanation; and considered it as a duty they owed to the coun-

try, and much more becoming those who acted properly and conscientiously, than commanding, as it were, the House to agree to their measures, from a blind confidence, that could not be too much reprobated, and for which no solid reason ever had, or ever could be given. The noble Earl, for these reasons, thought proper to move an amendment to the address, which was to leave out all the words after the first sentence, concluding, " for his most gracious message;" and to insert in their room the following:

" To express our sincere concern that His Majesty's be-" nevolent intentions to restore the blessings of peace to those " distant parts of Europe that are exposed to the calamities " of war, have not yet produced the desired effect. That " uniformed as we are of the causes that may have interrupted " the success of His Majesty amicable interposition, but " most anxiously solicitous to maintain the unassailed tran-" quillity of His Majesty's dominions, and to improve at " home the blessings of peace, we can on this occasion only " express our dutiful and loyal assurances of support, when-" ever the honour and interests of His Majesty's Crown " shall appear to be threatened, and testify our reliance on " His Majesty's paternal care to preserve, uninterrupted, " that fortunate situation which this country now enjoys, of " entire amity with all the powers of Europe."

Viscount Stormont.

Viscount *Stormont* seconded the amendment. He did not however, mean, he said, to argue the subject in this stage of the business, because he hoped the noble Secretary of State would say something or other so far explanatory, as at least to give the House an opportunity of understanding what he had set out with. He, for one, must have drank deep indeed of the river of Oblivion, and suffered much from the oblivious stream, when he acknowledged that he could not remember any thing that had passed in the former debates of this session, that could in the smallest degree induce, far less pledge, their Lordships to agree to another armament, without knowing or being informed by those who did know, what cause made that measure necessary. He conceived it to be neither improper nor unsafe for the noble Secretary of State to mention to what period or what vote he alluded. That some explanation was necessary, appeared evident, his Lordship believed, to almost every noble Lord present; and whatever information or explanation they were to get at, certainly must come with greater weight from the noble Secretary, or some of his noble colleagues in office. For the present, his Lordship said, he would content himself with putting this one simple question, and that was, whether the present armament was occasioned by any sudden and immediate

cause,

cause, or whether it was in consequence of any breach of subsisting alliances with the continental powers in Europe?

After a pause for some minutes, and no answer being given,

Lord *Porchester* rose, and expressed his indignation at the conduct of His Majesty's Ministers in obstinately persisting in silence, on a subject which called in his mind so much for explanation, since it would plunge the country into an expensive war on account of powers whose affairs in no sort concerned us. His Lordship reprobated in warm terms, the projects of the Minister, and said, he was almost tempted to wish that France had at present recovered its vigour, that she might have been able to have opposed some check to the career of his ambition. His Lordship censured the convention of the last year; and declared, that another of the Minister's projects, viz. the war in India, a war merely of conquest; was in the highest degree reprehensible, as he flattered himself he should be able to prove from the papers on the table, when they came to be discussed next Friday. He contended, that the country was incapable of supporting the expences of a war, that the peasants were starving, manufactures shackled, and that the revenues then raised were an anticipation of the nerves and sinews of posterity, who were to be plundered and deprived of their rights for the purpose of supporting the schemes and projects of Ministers, and of restoring the fortress of Oczakow to the Turks. To maintain these objects of mad ambition, the Minister, his Lordship observed, was shaking public credit to its foundation, by seizing on the dividends due to the creditors of the state, and by exhausting the treasure of the country. So convinced was he of the folly and impolicy of the measure, that his Lordship declared, that he would not only resist it in the first instance by his vote that day, but he pledged himself to oppose the supplies when they should be moved for, in order to carry the measure into effect, and in every other shape in which it might hereafter come before the House. Lord Porchester

The Earl of *Carlisle* objected to the address on similar grounds. As the matter stood at present, his Lordship contended that it was impossible for the House to know whether they were then called upon to provide an armament to assist Prussia in any of her schemes, or to support the Turks. They could not vote the address but upon confidence, and confidence merely, and he begged to know upon what ground Ministers called for such confidence? Did they rest their claim upon their conduct last year? By that conduct and by the subsequent measures, he could not tell whether the armament which had then taken place, had really been intended to act against Spain, or to assist Sweden. If the Earl of Carlisle.

present measure was in contemplation when the King's speech was delivered, why did Ministers disarm? Why not use the force they then had afloat? As it was, the fleet had only served to pillage the public, and to make a show between the Isle of Wight and Portsmouth. The Earl said, if we were resolved to enter into continental alliances, we should have made such as would have been most likely to have proved serviceable to us, and have considered that Russia was the natural ally of this country. We had neglected to cultivate the friendship of the Empress, and now we were going to provoke her still farther. His Lordship argued very strenuously upon the impolicy and the fruitfulness of a war with Russia, and said, that called upon, as the noble Secretary of State had been, he ought, out of respect to the House, to have given an answer; but it had been the plan of the present Ministers to treat that House with less respect, than had been the practice of any of their predecessors in office; they came down, therefore, and without offering any explanation of the measures they proposed, they called upon their Lordships to give them implicit confidence, and vote whatever they desired. His Lordship reprobated this conduct; and having called upon the noble Secretary to say whether the conduct Ministers were about to pursue, was in consequence of any obligation they had entered into by a specific article of any treaty; he concluded with declaring, that he would support his noble friend's amendment.

Lord Grenville.

Lord *Grenville* complained of the unfairness of taking advantage of the conduct which a sense of his duty obliged him to pursue in that House, and imputing to him a disrespect for the House, because he did not think it incumbent on him to answer a question put to him by an individual Member. No man entertained a more profound respect for the House than he did; but his Lordship said, he hoped he should not so far forget his duty, in the situation in which he stood, as to answer any questions that might be put to him, the reply to which might be productive of consequences prejudicial to the public interest. His Lordship said, he did not think himself called upon, by any thing that had been said, to explain, further than he had done in prefacing the motion for the address, which he had the honour to make; and as to any other topic that had been introduced in the debate, this was not the time for discussion. When any specific motion was before the House, relative to continental alliances, or any other business that the administration was concerned in, His Majesty's Ministers would always be ready to meet it. The duty he owed to his Sovereign, and to his country, at present prevented him from going more at length into the causes and immediate state of the differences that existed;

but in anſwer to a queſtion put by one noble Lord, he would ſay, that the war was a war of expediency, and not occaſioned by any treaty that this Court had entered into with Pruſſia, nor any treaty of alliance with any power whatever; but he would repeat it, that from the preſent exiſting circumſtances, the war was judged expedient.

Viſcount *Stormont* roſe to claim the indulgence of the Houſe, while he went more fully into the ſubject. Till now his Lordſhip ſaid, he had avoided going into debate, becauſe really there was nothing to debate; Miniſters having ſtudiouſly avoided giving any thing that had the moſt diſtant appearance of explanation on the great and important buſineſs to which they called their Lordſhips' attention. Viſcount Stormont.

The noble Secretary of State had not yet ſaid a great deal, his Lordſhip obſerved, but he was happy that he had gone ſo far, though ſtill much in the way of explanation was wanting, before their Lordſhips could make up their minds upon the ſyſtem which Miniſters had adopted. Before, however, he entered into any debate, he would beg leave to ſay a few words upon confidence. But from his opinions now, and the ſituations which he had formerly been in, he approved of a proper confidence being given; and he truſted it always would be given to thoſe who were entruſted with the executive government, to ſhew, as far as their ſyſtems could be ſafely explained, that their conduct merited the confidence which they required. How far this was the caſe now, the noble Viſcount ſaid, their Lordſhips were the beſt judges; but he could not help thinking it an indignity to that Houſe to ſee Miniſters come down with ſuch dangerous propoſitions as they had been accuſtomed to of late, without either offering of their own accord, or giving, when particularly called upon ſo to do, one word that could explain the ſyſtems they were following, or intitle them to approbation in any other way, than from that blind and deſtructive confidence, which of all other circumſtances was the moſt likely to bring ruin even upon the beſt eſtabliſhed and happieſt conſtitution that any country could poſſibly enjoy.

His Lordſhip then complimented his noble friends who had, by their arguments, drawn from the noble Secretary the only matter of conſequence which they had heard from Miniſters on the ſubject; and that was, that the war into which this unhappy country was plunged, had been brought on merely becauſe Miniſters, in their ſuperior wiſdom had thought it expedient; at the ſame time this expediency, he obſerved, was of ſuch a nature as not to be viſible to any human knowledge but theirs, and was to be kept ſo ſecret and unexplained to every body elſe, that their Lordſhips muſt ap-

prove

prove of it by agreeing to the noble Secretary's addrefs, merely from their confidence in Minifters, without any other ground or poffibility to found their knowledge of this expediency.

As far as he could learn, the noble Vifcount faid, there was a fyftem of continental alliances perfectly new, adopted by adminiftration; fuch as, he believed, no former Cabinet had ever thought of. This, if it were an improvement, might proceed from better information and judgement than former Cabinets had poffeffed; but being of fo concealed a nature, it was impoffible for men to whom it had not been better explained, than to him, either to defcribe it, or argue upon it. Neither would he debate upon what public report ftated to be the grounds of a quarrel, which had terminated in war. He fhould be forry if there was any foundation for that report; but he doubted much, when the truth came to be known, though then it might be too late, that the expediency, which appeared to the noble Secretary, would not appear to the Houfe, or to the nation. He, on the contrary, had reafon to think that it was provoked by the haughty and imperious terms which Minifters had demanded at the Court of Peterfburgh; and which their vanity had led them to demand, in a manner no lefs arrogant than improbable to be liftened to; and which had involved them in their prefent predicament, they having gone too far either to fucceed in their wild and extravagant propofals, or to retreat without contempt from others, and mortification to themfelves.

He did not pretend, his Lordfhip faid, to know exactly what thefe terms were. It had been currently reported that we had demanded that Ruffia fhould give back all that fhe had obtained by a fuccefsful war, a propofal that was too ridiculous to meet with the leaft attention from the Emprefs, or from any power, in the fame fituation that Ruffia ftands now. With regard to the claim of Ruffia, it was known to every barber and newfpaper reader in the country, and amounted merely to this, the Emprefs wifhed to have the poffeffion of Oczakow, to prevent the Turks from entering the Crimea, which they could do in an hour's time, were they in poffeffion of both Oczakow and Cherfon. Now this claim was made for the exprefs and avowed purpofe of eftablifhing and fecuring peace and tranquillity to thofe countries, and was certainly, in the eyes of every reafonable man, a fair and moderate claim. But what can be faid of our fyftem, (who pretend to have the fame tranquil and pacific object in view), when we demand that the Emprefs fhall give up Oczakow, and that upon the bare pretence of her becoming too powerful as a maritime power, which is abfurd;

furd; becaufe, while fhe remains in poffeffion of Sebaftianople, fhe can derive every maritime purpofe, as well as if fhe had both; but, as he had already mentioned, would be fubject to fudden invafions of the Turks into the Crimea, which it was our particular intereft and policy, as well as hers, to prevent, if it was wifhed to put an end to a war.

His Lordfhip faid, he was afraid the terms demanded by Minifters had been fo hoftile and offenfive in their nature, as to occafion at leaft an angry reply, which had been taken in fo haughty a ftyle, as to bring on immediate war and all its calamities; confequences equally deftructive, whether brought on by the ambition, or by the blundering of His Majefty's fervants; and if it was to be confidered in any point of view as a war of conqueft, he was fure the policy of fuch a war would not be acknowledged by any defcription of perfons whatever. As they had been told fo far that the war refted folely on expediency, he thought this was the proper time for their Lordfhips to paufe, and endeavour to prevent its going any farther.

In defcribing the Emprefs, the noble Vifcount faid, fhe refembled our Queen Elizabeth; not that the refemblance went upon all fours, but, like that Queen, fhe was a Princefs of a great mind, and found underftanding; of an enterprifing fpirit, and capable of performing great actions. Though, he faid, perhaps not in the moft powerful fituation that ever fhe had been in, yet was fhe not to be looked upon with indifference, or treated with contempt; and here he introduced to their Lordfhips' notice a letter of Lewis XIV. to Charles II. written by Monf. Lion, which had the following ftriking paffage, generally known to be dictated, though not written, by that monarch: "That the King of En-"gland might know his diftreffes and the weaknefs of his "power, but he did not know what the ftrength of his "fpirit or the elevation of his mind were."

After his Lordfhip had fpoken for a confiderable time, he concluded with a folemn invocation to their Lordfhips to paufe at this ftage of the bufinefs, and think ferioufly on the prefent fituation of this country, and the comparative fituation of the continental powers, before they gave any vote on the queftion before them. He particularly called their Lordfhips' attention to the ftate of the affairs in France at this moment, and would afk what period in hiftory ever was fo favourable for Britifh Minifters to negotiate as this was? The only continental power that we ever had to dread, or be jealous of for political intrigue, for which the French Court was always remarkable, being now totally incapacitated from giving us the leaft caufe for uneafinefs. And here he could not help thinking it an extraordinary circumftance, and

worthy of their Lordſhips' notice, that if France had been in her wonted ſplendour and energy, there could be but little doubt in their Lordſhips' minds but that government would, at the preſent moment, have followed the preciſe ſame meaſure which the Britiſh Miniſter had now taken. Having ſtated this very forcibly, and gone through a variety of other intereſting arguments, his Lordſhip declared, that he would join with his noble friends in combating and oppoſing every ſtage of this buſineſs, whether relative to the war itſelf, or to the burthens which might fall upon the country in conſequence of it; and he concluded with avowing, that if he, at this moment, had filled a place in His Majeſty's Councils, he would have held the ſame opinions, and expreſſed them in the ſame words.

Duke of Richmond.

The Duke of *Richmond* roſe to declare his ſentiments conſtitutionally, as a Member of Parliament, and not in any other capacity. His Grace then ſaid, his idea of the ſort of confidence aſked by Miniſters was no more than was expreſſed, viz. for an augmentation of the naval force of the country in order to give weight to negotiation; and that in agreeing to that, neither he nor any other noble Lord pledged himſelf to ſupport any ſubſequent meaſure whatever in the ſmalleſt degree. This was, his Grace ſaid, ſtrictly a parliamentary view of the queſtion. With regard to what had been ſaid againſt it, he declared he knew not what anſwer to give to mere ſuppoſitions and caſes hypothetically put. Much of what had been ſaid ſtruck him as rather extraordinary; for inſtance, among other things, that the armament prepared laſt year againſt Spain, had originally been intended for the aid of Sweden. His Grace obſerved, that the aſſertion of a noble Viſcount, of every barber being acquainted with the terms on which Ruſſia would make peace, was rather unfortunate for his Lordſhip, as the barber would be in poſſeſſion of much better information than the noble Viſcount, his ſtatement being completely erroneous of the Empreſs being inclined to make peace by relinquiſhing all the advantages ſhe had gained, excepting Akerman and Oczakow. His Grace next adverted to an obſervation made by a noble Lord, which was, why, if Miniſters knew or expected that this armament would be neceſſary ſo ſoon, did they diſband the ſailors? The anſwer he would give, was, that when the fleet were diſmantled, and ſeamen diſbanded laſt autumn, it was at a time that they could not have been of any poſſible uſe to the country, and would only, by keeping them in pay during the winter, have created an additional expence, and this he conſidered a ſufficient reaſon for what had been done. His Grace then entered curſorily into many of the arguments of the noble

Lords

Lords who spoke before him, and replied to them at some length, particularly noticing Lord Porchester's wish respecting France; and concluded with referring to what he had sat out with; viz. his declaration, that in voting for the address, he pledged himself for no one measure to be proposed in consequence.

Lord Porchester rose to explain, and re-worded what he had said respecting France being able to check the career of the Minister's projects.

Lord *Loughborough* rose next, and began with saying, that to the proposition of the noble Duke he gave his cordial assent. He should be ready, he said, to yield all opposition to the motion for the address, if the true parliamentary and constitutional ground taken by the noble Duke were adopted by the House; that they were not to be considered as pledged, in the most distant degree, by the address of thanks to His Majesty, for any measure that should be taken by Ministers in the negotiation with Russia, to give strength and efficacy to which His Majesty thought it wise to make an addition to the naval strength of the kingdom. His Lordship observed, that it was constitutional and parliamentary language, and he adopted it implicitly. Undoubtedly they ought not to be pledged by a vote of thanks for His Majesty's gracious message, to any thing but a declaration of their readiness to give strength to his negotiation. They ought not to be pledged to countenance the exertion of that force hastily, nor to be committed on any one measure which His Majesty's Ministers might take in consequence of this address. But while he heard the noble Duke thus declare, in true constitutional language, what would take off much of his objection to the motion, he could not forget the arguments used by the noble Secretary of State, who made it. The noble Lord, in proposing the address of thanks, said, that the measure of His Majesty's interference in the war between Russia and the Porte, and the purport of the message now delivered to the House, was clearly pointed out in His Majesty's most gracious speech from the throne, on the opening of the session; and that the House had countenanced the measure by their address of thanks for that speech, and by their resolution for the number of seamen to be employed for the service of the year, as the number it seems was greater than the regular peace establishment. The noble Lord thus changed the ground from that taken by the noble Duke; for he thus stated that their Lordships were prepared for what had happened, and that they were committed by what they had done. He begged leave to deny, that in the speech of His Majesty on the opening of the session, there was any reference that could justify the conclu-

Lord Loughborough.

sions drawn by the noble Secretary. The speech alluded to the separate peace that had been made between Sweden and Russia. Certainly the noble Lord did not mean to say, that that peace had been brought about by the mediation of His Majesty. It mentioned indeed that His Majesty's endeavours had been successful in restoring peace between the Emperor and the Porte. But there was no intimation given that His Majesty had resolved, by an armed mediation, to restore general peace to Europe, much less did the address of thanks countenance any such admission. That the marine force was greater than the regular peace establishment, was accounted for naturally by Ministers. An abrupt termination of the dispute with Spain, prevented them on the sudden from disarming the ships. The squadron of Admiral Cornish was at a distance, and therefore, for a time at least, it was stated that the maritime force must necessarily be larger. But so far were Ministers from inspiring the nation with an idea that we might still have occasion for force, or that the British Court was to be involved in the politics of the north, their language, their actions, were calculated to give the contrary conviction.

Now, however, his Lordship said, the words of the King's speech, on the opening of the session, and the address, were stated as grounds of information and pledge. Ought not their Lordships, from this fact, to be guarded in what they now did? For something more than what the noble Duke required, was required by others; and without a syllable of information, without having one word communicated to them of the necessity, the expediency, or the wisdom of the measure, they were to be pledged to a preliminary act that led to a positive aggression against Russia. Before noble Lords went this length, surely it would be prudent in them to deliberate. It would be wise to reflect before they did an act so calculated to involve their country in the calamities of war, to ask themselves by what provocation, from what necessity, or for what end they were thus to engage in a war at the most remote part of Europe, against that power of Europe, who had ever been called the natural ally of England.

His Lordship proceeded to observe, that it was a matter of most serious consideration to every noble Lord, by what fatality it was, that year after year, we were thus to be involved in disputes with every power, in every quarter of the world. Were they thus to travel on in this course of blind and irrational confidence, yielding an implicit obedience to every scheme of Ministers, what must be the result to the kingdom? He did not hesitate to say, that this measure, unexplained as it was, amounted directly to an aggression

against

against Ruſſia; for His Majeſty, it ſeems, had ſent a mandate to the Court of Peterſburgh, to which the Empreſs had not thought proper to yield. He was now to enforce that mandate by arms. If ſhe perſiſted in refuſing his mediation, the kingdom was either to retreat, or to follow up their imperious menace by war.

The noble and learned Lord, here exhibited a picture of this horrid ſpirit of inſolence and ambition, which had ſprung up in His Majeſty's Councils, and hurried them to exceſſes in every quarter of the world, that muſt terminate in the ruin of the Empire. Like a beaſt of prey, his Lordſhip ſaid, we ſecured every quarter of the globe for victims. He would not ſay, that his indignation was rouſed; he was come to a time of life not favourable to an emotion ſo high; but it was with aſtoniſhment and horror that he ſaw the ſyſtem of the King's Miniſters taking a general ſweep of all nations and kingdoms; meddling, irritating, and inſulting in one place; in another, directly and avowedly rearing up the power of the Empire, to cruſh and exterminate. Thus, in the preſent inſtance, we were to be involved with Ruſſia, for no cauſe which Miniſters could aſſign, and with no beneficial tendency that they had explained. And he hazarded an unqualified declaration, his Lordſhip ſaid, that we thus provoked the Empreſs unjuſtly, and without cauſe, to war, and were the guilty aggreſſors. In like manner, but with ſtill more unpardonable guilt, his Lordſhip ſaid, (and he pledged himſelf that it ſhould be proved incontrovertibly to their Lordſhips), that in India we had not only made a direct aggreſſion, but had entered into a treaty with the Mahrattas and the Nizam, to exterminate Tippoo Sultan, and to make a partition of his country. This partition, his Lordſhip ſaid, was a direct avowed article of the treaty; and he would pledge himſelf to prove that this project, which had ambition alone for its baſis, was dictated from England. Could we expect, aſked his Lordſhip, to be ſuffered by enlightened Europe to proceed in this courſe? On turning our eyes to the melancholy condition of our own reſources, could we fancy it poſſible that the people could endure the burdens to be heaped upon them? Let their Lordſhips, ſaid the noble and learned Lord, look back to the low, eleemoſynary, and yet moſt oppreſſive meaſures of finance, to which, for the laſt project of his ambition, the Miniſter had had recourſe; an attack on the poor but wholeſome beverage of the yeomanry; of that large and valuable deſcription of perſons, who, without diſparagement to the manufacturers, were of more conſequence to the country than any other part of the community. The tax lately impoſed upon them, his Lordſhip ſaid, amounted to a

complete tenth of their annual beverage; and thus their vigour was to be deſtroyed, their comforts withdrawn; and, though it was ſo much the true policy of the ſtate to preſerve the health of this valuable order of the people, they were to be deprived, for ſix weeks in the year, by the operation of this tax, of a drop of beer to invigorate, or to ſweeten their toil. Could their Lordſhips flatter themſelves that this could continue; or that a ſyſtem of general outrage, of mad ambition, of conqueſt, and of depredation, could be maintained by ſuch reſources?

His Lordſhip ſaid, he did not wiſh to enter into any detail or eulogium on the meaſures of the National Aſſembly of France; but ſurely their magnanimous, and truly political declaration, that they would for ever avoid wars on ſpeculative and theoretical points, ought to have ſuggeſted to us a wiſe and more elevated ſyſtem than that which we had lately purſued. The revolution in France preſented to us the means of reducing our eſtabliſhments, of eaſing the people, and of ſecuring to them, for a length of years, the bleſſings of peace. But inſtead of this, without provocation, we ranſacked the moſt obſcure corners for enemies. We departed even from the old ſyſtem of connections, which experience had pointed out as the moſt congenial to England, and a new balance was to be given to Europe. Lord Loughborough concluded with ſaying, that if the noble Secretary had ſtated to their Lordſhips that a treaty had been entered into between His Majeſty and the King of Pruſſia, or that engagements had been contracted, which, whether wiſe or thecontrary, now forced the nation to exerciſe its arms, the queſtion would have been materially different, and their Lordſhips might perhaps have been willing to adopt what they had had no ſhare in adviſing; but the noble Secretary had explicitly declared, that His Majeſty was bound by no treaties, and by no engagements whatever; and that the meaſure now propoſed, was to be adopted from no other motive than that of expediency. Their Lordſhips, he obſerved, were thus left completely to the exerciſe of their own underſtanding, and being diſentangled and free, it became them to deliberate before they plunged their country, enfeebled and exhauſted as it was, into the horrors and expence of a war; and to countenance which, not one ſyllable had been ſaid to illuſtrate the expediency it was placed on.

Ld. Chancellor. The Lord *Chancellor* left the woolſack, and after premiſing that he would take up but little of their Lordſhips time, obſerved that he could not avoid remarking on the very extraordinary language which had been held by noble Lords, as to the reſpect and decorum of that Houſe. It was thought, he ſaid, that if an individual Lord aſked a queſtion, the obvious

vious anſwer to which might violate the ſanctity of His Majeſty's Council, a juſt unwillingneſs to anſwer ſuch queſtion was conſtrued into diſreſpect to the body. His Lordſhip confeſſed, he could not perceive the propriety of this remark. Noble Lords, aſking queſtions, merely for the ſake of argument, ought not to attribute the ſilence of Miniſters to diſreſpect either to themſelves individually, or to the Houſe collectively; ſince Miniſters could alone be the proper judges of what it was ſafe to diſcloſe. Before it could be fairly ſaid, that their ſilence was diſreſpectful, it ſhould firſt be ſhewn that the queſtion, which they declined to anſwer, was adopted by the Houſe.

The meſſage, his Lordſhip ſaid, was a clear, diſtinct propoſition, which required no other matter, and no other information, to enable their Lordſhips to do all that was required of them by the motion. His Majeſty ſignified to the Houſe that his mediation for peace had failed, and, that he thought it adviſeable, to give ſtrength to his negotiation, to make an addition to the naval force of the kingdom. This meaſure, in its very nature, called for confidence, ſince in arming, the Houſe inveſted the Miniſters with power, for the exerciſe of which they were reſponſible. The queſtion was ſimply then a matter of confidence. Some noble Lords might be indiſpoſed to truſt Miniſters; others might have full confidence in them; and they would ſeverally act upon the diſpoſitions which they felt. But for his part he agreed perfectly with what had fallen from the noble Duke, that no noble Lord was pledged to the approbation and ſupport of any one meaſure, which Miniſters might take, in purſuance of the confidence thus placed in them.

But, perhaps, his Lordſhip ſaid, it might be right to take into their view the object of this armament. The treaty with Pruſſia was purely defenſive; but yet in his humble conception, and on ſubjects of ſtate, he begged to be underſtood that he ſpoke with deference to ſtateſmen; a liberal and broad conſtruction was to be made of treaties, even of a defenſive nature. It was their duty to enter into the views, and to take part in the intereſts of their ally, without a rigid adherence to the mere letter of the contract. For inſtance, if it ſhould be clearly ſeen that the Ruſſians, by their conqueſts, were ſurrounding the whole of Poland, and acquiring by that means an aſcendancy in the republic, injurious to Pruſſia; nay, that ſhe was ſtretching herſelf out ſo as to trench upon the Emperor; he thought, that it ought to be the conduct of a good ally, to enter into the views of Pruſſia, and ſtop a career that ſo materially threatened her intereſts. For in his opinion, his Lordſhip ſaid and with becoming ſubmiſſion to the ſuperior knowledge of the noble Viſcount as a ſtateſman,

the intrigues of France had never aſſumed a bold, a manly, nor a political aſpect. They were, in his mind, a tiſſue of political fopperies, as diſtant from true wiſdom, as from morality and honour. In nothing was this more manifeſt, than in the uſe which ſhe had made of Turkey. She had degraded the Ottoman Porte into a mere inſtrument, which ſhe had employed in moſt diſreputable projects, always diſcreditable to herſelf, and always injurious to the Turks. The Chancellor concluded with ſaying, that he was by no means of opinion, that the Turks were not capable of being made highly ſerviceable to England; and he could not yield to the common opinion, that Ruſſia was the natural ally of England. If ſhe were the natural ally, ſhe had acted in a very unnatural manner.

Viſcount Stormont.

Viſcount *Stormont* ſaid, in explanation, that he certainly never would deſire any Miniſter to violate the confidential ſecrets of office; but when Miniſters came forward, and called on Parliament to involve the country in war with an old friend, (he muſt not, he found, uſe the proper phraſe of natural ally) upon a pretext of expediency, it ſurely was not too much to deſire reſpectfully that they would explain the expediency to the Houſe. The noble and learned Lord had given ſuch a latitude to a treaty purely defenſive, as he acknowledged himſelf to be utterly unacquainted with before. We were, ſaid the Viſcount, according to the noble and learned Lord, to enter into all the projects of our ally, and to abet his views; ſo that whether he was the aggreſſor or the injured party, whether he was the aſſailant or the ſufferer, we were to be bound by a treaty purely defenſive, to make a common cauſe with him, and ſo at this moment we might be actually at war; for if the rumour were true, that his troops had begun their march, we had it not in our power to retreat from our engagement. The noble and learned Lord, ſaid the Viſcount, conſiders the diplomatic talents of France as unworthy of praiſe. For my part, continued his Lordſhip, I neither covet to be a Member of the Cabinet, nor of the aſſembly of France; but if I were, I ſhould not bluſh to ſubmit their negotiations at foreign Courts to the teſt of compariſon with thoſe of England; particularly with thoſe, which have, of late, been entered into by the latter.

Marquis of Lanſdown.

The Marquis of *Lanſdowne* began with ſaying, that it was a maxim in war, which had been obſerved by all great Generals, that the ſame ſtratagems ought not to be too frequently repeated, leſt they ſhould become too common, and loſe their effect. This maxim in the preſent circumſtances, the Marquis ſaid, was, perhaps, worthy the attention of the Miniſtry. It might happen, that a meſſage might be ſent from His Majeſty, requiring the approbation and ſupport of

certain measures. It might happen, likewise, that the Ministers, from pretended motives of expediency and convenience, might decline giving any account of the nature and tendency of these measures; but might pledge themselves for their public necessity and usefulness, and hold themselves out as bound to be accountable with their heads for the result. On the faith of such assurances, a vote of credit might be given; the session of Parliament might be nearly at an end, and hostilities might be threatened to be commenced. A peace afterwards might be patched up, and the people, too happy to have purchased it at any rate, might forbear all future inquiry relative to the circumstances which had attended the disturbance, or the conduct which had been pursued in effecting the pacification. But though this might be the case, when we had to contend with a nation, alarmed for the safety of its Acapulco vessels, and whose support was derived from the mines of Mexico and Peru, yet we were not to hope that such measures would always lead to an issue equally pacific. The present ministry, he remarked, had appeared to have changed their system; a change which was so much more the deplorable, as of the various systems which had to-night been brought forward, there was none which they seemed decisively to have adopted.

The Marquis said, he was far from wishing to insinuate that the Ministers were desirous of war, or could have any inclination to engage the nation in hostilities: on the contrary he rather thought, from the present situation of affairs, that the Ministers would be averse to war, and anxious to avoid all measures which might lead to hostilities. This conclusion he was inclined to adopt, from the increasing and almost intollerable load of public burdens, and the poverty which had lately appeared of resources. Taxes had been imposed, the most oppressive on the industrious poor, which had not only pinched their narrow circumstances, but even impaired their means of subsistence, and had left them in the country to sustain all the hardships of poverty and famine.

The poverty of resources, the noble Marquis continued, was another proof of the reduced state of the nation, and its incapacity to sustain the expences of a war; and consequently might be supposed to be a reason, why Ministers would not chuse to hazard a measure, for which they were so ill prepared. He did not mean, he said, to detract any thing from the merits of those, whose duty it was to point out resources, he was inclined to give them the credit of the highest abilities; but this would only shew what poor shifts had become necessary, from the exhausted state of the national resources. Even if the income of the country was, as the

the Minister wished to be believed, equal to its expenditure, the slow progress which had been made in paying off the unfunded debt, and other circumstances, shewed that the revenue was by no means in a flourishing state; and in the event of a war, the Marquis said he was firmly persuaded that must happen to this country, which would have happened to France, if it had not been possessed of the Church Lands, the Royal domains, and the exemptions of the nobility. These had amounted to about two hundred millions, a sum which enabled them to discharge their debt.

But in case, he said, of a similar convulsion, this country was not possessed of equal resources. With regard to the property of the church, every part of it was, in his opinion, necessary to the maintenance of the clergy, if it were properly divided. The Royal domains were nothing; and the exemptions of the nobility we did not possess; so that, in case of the event which he had stated, the inevitable result must be a national bankruptcy. At present the Bank of Amsterdam, to which we trusted for support, had received a fatal blow in its credit; their East-India Company was bankrupt, and the bills of their West-India Company were selling at a discount of about a third.

It should be considered, the Marquis said, to what degree of confidence Ministers were entitled, who had so recently, in a former instance, betrayed the confidence reposed in them, and who, if they should again receive it, might be supposed, on the present occasion, to employ it wildly and wantonly. Russia was by no means such an antagonist as Spain. The people, instead of being indolent and weak, were active and hardy; instead of gold and silver, they were possessed of iron. The late King of Prussia, the greatest hero and politician of the age, whose authority was very high in every question of war, states, that nothing could be more unprofitable than an enmity with Russia; and that there was no country, whose enmity could be more hurtful, or from which an antagonist could receive less advantage. It could not be attacked in its capital, whilst there was no country more capable of annoyance and defence. Should a war take place, it would be expected that we should accompany the King of Prussia with a fleet to Petersburgh. And in that case, it would be necessary to procure gallies, as our great ships could be of no service. These we must purchase from the King of Sweden, who having experienced our neutrality, and being sensible of his own value from his immediate contiguity to Russia, would take care to enchance the price of his favours. And as we had paid to the King of Prussia a subsidy of 800,000l. for his alliance, perhaps it would be necessary to pay a larger sum to the King of Sweden; who,

conscious

conſcious of the advantage which he derived from the preſent ſituation of affairs, would expect to receive a ſum ſuitable to his own ſtill greater importance.

When we were once engaged in a war, the Marquis ſaid, the conſideration of expence no longer became an object. No ſacrifice was to be made to a trifling ſaving; nor could the lengths to which we might go be aſcertained, as they could only be regulated by our ſucceſs. It would ſurely be conſidered as very bad policy to protract a war for the ſake of conducting it upon an œconomical plan. It was this idea which the late Lord Chatham had pointedly ridiculed, when he talked of Mr. Legge's wars at the rate of five millions a year. Much had been ſaid of the late Lord Chatham; and it might here be properly remarked that he conſtantly reprobated all connexion between this country and Turkey. The reaſon which he aſſigned was, that Turkey was an Aſiatic ſtate, and to form treaties with it, and enter into its views, would be a ſource of endleſs confuſion. In any war which we ſhould have occaſion to carry on with Ruſſia, we ſhould find ourſelves deprived of all thoſe advantages which we were apt to appropriate from our ſituation, and boaſt of as peculiarly our own. The Ruſſians were qualified to match us at ſea. By lending them our officers, we had enabled them to contend with ourſelves. The Ruſſian ſailors, it is true, were rude and ignorant, but they ſtood fire like pillars of ſtone or ſtocks of wood. Nothing could be conceived more dreadful than a Ruſſian engagement at ſea. Perſonal courage was of no avail. The characters of our ſeamen could not ſtand us in any ſtead; there was only battery oppoſed to battery. Another circumſtance from which we ſhould encounter the Ruſſians with conſiderable diſadvantage, was, that we ſhould have to contend with them on their own ſeas. There were none of our Admirals who were acquainted with the Baltic, except one, who, it was probable, would not be employed. In the Black Sea we had equally to overcome the difficulties of inexperience in oppoſing thoſe who were completely verſed in its navigation. It was a curious doctrine that had been advanced, that we were bound not only to ſupport our allies, but likewiſe thoſe who might be connected with them. On this principle we were bound to protect the Emperor of Germany, who ſurely was ſufficiently qualified to take care of himſelf; and alſo the kingdom of Poland. This, perhaps, was rather a new inference, and it demanded ſome conſideration, whether it could be adopted with prudence in its conſequences.

The Marquis concluded a long ſpeech, with obſerving that it would certainly be ſtrange, if, with the example of France before them, and the inſtances of confidence which were

then reposed in the subjects, the people here should be led to vote the approbation and support of measures, of whose circumstances and tendency they were ignorant. The French had first set the example of a liberal and enlightened policy; the influence of which, it was to be hoped, would not be lost on this country, and would extend to the other nations of Europe. They had disclaimed all views of ambition and desire of conquest, and reserved themselves no pretext to engage in war, except from the motive of self-defence. He by no means wished, he said, to import into this country all the principles of the French revolution. The French had considered their constitution as an old House, which it was necessary to rebuild. Our constitution was likewise an old House; but it contained excellent apartments, and required only to be repaired, and secured from the inclemency of the seasons.

Duke of Leeds.

The Duke of *Leeds* said, he should hold himself unpardonable, standing in the situation of one of His Majesty's advisers, if he were to content himself with giving a silent vote. The noble Marquis, his Grace observed, had began his speech with a military allusion, and had talked of the stratagems of Ministers. He wished that the noble Marquis would have pointed out what particular conduct of His Majesty's servants it was, on which he had grounded that imputation. A great deal had been said upon the necessity of Ministers stating some of the leading circumstances which had occasioned His Majesty's message; he should however, most earnestly request that noble Lords would forbear urging any questions on that head, since His Majesty's servants could not afford the satisfaction required, without a direct breach of their duty, tending to produce very mischievous consequences. They desired to be left to answer for their conduct, and he for one, was ready to incur the imputation of obstinate silence and every reflection of that sort, rather than prove himself criminal and guilty, by departing from that line of conduct, which was properly the province of the executive Government. The Duke complimented Lord Lansdown on the essential good he had done his country in the years 1782, 1783, and particularly in the eace which he had made; at which time, his Grace said, he was more in the habits of connection with the noble Marquis than he had since been. His Grace also took notice of what had fallen from Lord Carlisle relative to the armament of last year, and said, he could not help being surprized at the observation of the noble Earl, that the armament had been designed for the North, when, exclusive of its obvious and avowed object, if he had reflected on the time of the year, the noble Earl would have recollected, that in the nature of things, what he had

suggested,

ſuggeſted, was highly improbable. The Duke concluded with repeating his exhortation to their Lordſhips not to preſs farther obſervations reſpecting the grounds of the meſſage.

The Earl of Carliſle roſe again, and ſaid a few words in explanation of that part of his ſpeech to which the Duke of Leeds had alluded.

The Marquis of *Townſend*, in a ſhort ſpeech, ſupported the arguments againſt the addreſs. His Lordſhip began with declaring, that he could not in his opinion vote for the addreſs, without at the ſame time pledging himſelf to ſupport the meaſures that might be propoſed in conſequence. His Lordſhip alſo confirmed what Lord Lanſdown and Lord Loughborough had ſaid, relative to the diſtreſſes of the poor. He reaſoned likewiſe about the terms of the treaty with Pruſſia, and ſeveral other topics; but his Lordſhip ſpoke in ſo low a tone, as not to be heard diſtinctly at any conſiderable diſtance. Marquis of Townſend.

Contents (with Proxies) 97; Not Contents, Ditto, 34.

The Houſe adjourned.

Wedneſday, 30th March.

Earl *Fitzwilliam* roſe in his place, and ſaid, that as the treaty between Great Britain and Pruſſia had been for a conſiderable time on the table, but never yet diſcuſſed, he would move "that the ſaid treaty be taken into conſideration next "Friday, and the Lords ſummoned." Earl Fitzwilliam.

Lord *Grenville* acknowledged that he was not ſufficiently verſed in the forms and orders of the Houſe, to know whether he could regularly oppoſe the motion in that early ſtage; but as no ground whatever had been laid by the noble Earl for his motion, he took the earlieſt opportunity of giving notice that he would oppoſe it, as ſoon as the forms of the Houſe would allow. Lord Grenville.

Lord *Stormont* ſaid, it was evident the noble Secretary of State was unacquainted with the forms of the Houſe, ſince as the treaty with Pruſſia was on the table, it was competent to the Houſe, or to any noble Lord, a Member of the Houſe, to move whenever he thought proper, that it be taken into conſideration; and ſo much was a motion of that kind a matter of courſe, that it was ſcarcely a matter of debate. Lord Stormont.

Lord *Grenville* replied, that he muſt beg leave to proteſt againſt the doctrine laid down by the noble Lord. He denied, that any ſuch rule of proceeding exiſted in either Houſe of Parliament, as that an individual Member could bring on any ſubject at his option, and that if the motion referred to a paper on the table, it was not even to be debated. The Houſe alone could order any ſuch paper to be conſidered, and not an individual Member. Lord Grenville.

Lord Loughborough. Lord *Loughborough* said, that in the case of a motion relative to a paper on the table or otherwise, the House had undoubtedly the paramount authority; and though it was competent to any noble Lord to move the consideration of any given subject, the House, by voting the previous question, might prevent such consideration. But he wished their Lordships to recollect, that in the debate the preceding evening, it had been distinctly stated, from high authority, that the measure communicated by His Majesty's message, was adopted, not in consequence of the condition of any treaty, but merely as a matter of expediency. Not being inclined, his Lordship said, to question the noble Secretary of State's authority, he, among other noble Lords, who were not in perfect recollection of all the terms of the treaty, had been disposed to give him credit for so explicit an assertion; but from what had been suggested afterwards in the course of the debate, and especially from what had fallen from the noble and learned president of that House, the noble and learned Lord on the woolsack, relative to the definition of defensive treaties, as to their fair and liberal construction, opposed to the strict interpretation of them according to their letter, and as bearing upon the treaty with Prussia, doubts of the fact had been entertained by him, and by other Lords who took part in the debate; and these doubts, his Lordship observed, were not a little increased by their having learnt, that day, through a medium certainly not always to be relied on, but generally sufficiently correct as to the substance, that in another place it had been broadly stated, that the foundation of His Majesty's message was an express stipulation by treaty. It appeared therefore necessary, that such doubts should be cleared up and ascertained.

Ld. Chancellor. The *Lord Chancellor*, in reply, said that it was extremely unpleasant to be called upon to explain what had been advanced by him in a former day's debate; but from the frame of speaking that he had then adopted, and from his recollection, he could not but think that nothing had fallen from him, which could in the smallest degree countenance the suggestion of the noble and learned Lord. In speaking of defensive treaties, his Lordship said he had discussed the principles of such treaties as defensive only, and had in terms expressly called his argument, an argument on the theory of defensive treaties; but he had not said one word of the treaty with Prussia.

Lord Loughborough. Lord *Loughborough* admitted, that what the noble and learned Lord now stated, was correctly what he had said in the debate of the preceding evening, but, as theory, without being exemplified, was scarcely intelligible, in another part of the noble and learned Lord's speech, in alluding to Russia's keeping

keeping Oczakow and Akerman in their hands, the noble and learned Lord had argued, in order to prove, that Prussia might be affected, if the Empress, by extending her arms and her conquests so as to surround the North, the East, and part of the South East of Poland, and that, in such a situation of affairs, Prussia might have just cause for apprehensions. That part of the noble and learned Lord's speech, Lord Loughborough said, he had considered as an example immediately illustrative of the fair and liberal construction of the Prussian treaty, which the noble and learned Lord's theoretical definiton of defensive treaties appeared to go to.

The *Lord Chancellor*, in his turn, admitted that the noble and learned Lord's quotation from his speech was correct, but the noble and learned Lord had not, his Lordship said, been equally correct in his application of the extract, that he had recited. The Lord Chancellor then reminded the House, that as it had been asserted in the course of the debate, not only that we could not be affected by Russia's holding Oczakow and Akerman, besides the two provinces, which her Imperial Majesty, in her moderation, as it had been stated, had determined to keep in her possession, but also that Prussia had no cause for apprehension on that account, he had put the case in the manner stated by the noble and learned Lord; but he had again and again, perhaps rather tiresomely, taken pains in the course of his speech, to guard their Lordships against the possibility of their considering him to be arguing with a view to the application of what he said to the treaty with Prussia; and, in order to lead their Lordships' minds to that idea, he had more than once, in the course of his speech, declared that he was stating the general principles of defensive treaties, without any intended application to any particular case, and the reason he had done so was to avoid being drawn into that course of debate which he perceived the subject to have taken. Ld. Chancellor.

After a few words from Lord Grenville, the question was put, "that the Lords be summoned for Friday next." Ordered.

The order of the day having been read for taking into consideration Lord Rawdon's adjourned motion of Monday last, "That a Committee be appointed to inquire into the income "and expenditure, from 1786 to 1789," and no noble Lord rising for a second or two, Lord Rawdon said, that having on Monday last stated the grounds on which he had moved for the Committee, and having, at the suggestion of the noble Secretary of State, and in order to avoid the imputation of taking the House by surprize, consented to defer the debate to this day, he conceived it was not necessary for him to

say

say any thing before he had heard the objections to his motion, if any such were entertained.

Ld. Chancellor. The *Lord Chancellor*, from the woolsack, said, it was a matter of course, under such an adjournment of a debate, that the House should again be put in mind of the grounds on which the motion had been rested.

Lord Rawdon. Lord *Rawdon* said, that he had asserted, and was ready to prove his assertion, that no part of the national debt had been diminished. There was, indeed, an appearance of paying off part of the funded debt; but in order to discharge this, debt had been contracted in another quarter; but the fact that there had remained any surplus from the receipt of the country, to discharge its debt, was not true. On proving this, he would pledge his own political character, as he should also reckon that of the noble Lord interested in proving the contrary. The noble Secretary was to recollect, that he was to meet him on no lighter terms than these—that whichsoever of them should be found to have deceived the Public, ought to be held degraded as a political character ever after; for in such a case as the present, no allowance was to be made for error; the matter was too important to the feelings and interests of the Public, for any man to be at liberty to make assertions upon it lightly.

The noble Secretary, his Lordship said, had been Chairman of the Committee of Finance in the Lower House, and had been possessed of all the information that Government could supply. In that House, Lord Rawdon said, he had called for, and under the authority of their Lordships had received, every document necessary to decide the question. Papers lay on the table. To investigate these, required no extraordinary talents; it was a mere mechanical process; in such a pursuit, patience and perseverance were certain to attain their object; and however highly Ministers might value themselves on their skill in finance, he would not hesitate to say, that the common book-keeper of an office, who was a man of integrity, could not err in this branch of the department; and yet in this branch, Ministers had failed. Was it for want of information? In the science of mathematics alone, (of which calculation formed so considerable a part) it could certainty be attained; and yet towards this certainty, no effort of impartial men could direct the ministerial eye; nay, it was even sedulously averted. But would the Public participate in this froward and culpable neglect? Let Ministers, his Lordship said, beware, lest they received an answer to this question in a voice stronger than *his*, in a voice that *would* be heard.

"If," said his Lordship, "I were to embarrass the nation by a false alarm, at the moment of impending war, "I ought

"I ought to suffer the severest stigma which this House "could inflict: on the other hand, whosoever would wilfully and dangerously mislead the Public, by a fallacious "statement of its resources, which, in the hour of difficulty, a melancholy but useless experience would evince "to be such, ought to be liable to no lighter penalty than "that which I have stated as due to my own misrepresentation."

His Lordship said, he considered an investigation of the state of the finances to be at this time peculiarly proper; as it was necessary to be considered what degree of confidence was to be given to Ministers. Our Ministers, he remarked, from the influence of certain circumstances, perhaps from the pressure of their situation, had been more desirous of providing temporary expedients, than measures of general and permanent utility; they had rather sought to raise new taxes, by oppressing the poor, in order to carry on their system of Administration, than endeavoured, by saving, to lessen the debt, or remove any of those burdens which were already imposed. His Lordship, in pointed terms, observed, that right notions of political principles had at length gone abroad, and he was heartily glad they had done so; since it was now probable that Government would be obliged to proceed upon better grounds than had heretofore been the case. France had set the other nations of Europe an example of a liberal and enlightened policy, which made its tendency to promote the general good the criterion of every public measure; this policy, it was to be hoped, would gain ground, and extend its influence. Ministers would no longer find it necessary to oppress the people, and the principle would be established in its fullest extent, that there ought to be no interest separate from the general good.

Lord *Grenville* objected to the motion, declaring that in point of fact every part of the expenditure had been answered, and the million a-year provided, during the three years in question, out of the public receipt; the public having availed itself of such resources, as the money remaining in the Exchequer at the end of the first quarter of 1786, the balances taken out of the hands of public accomptants, &c &c, afforded, inclusive of the loan of a million, which had been publicly stated, and a sum for the unfunded debt of the navy. Lord Grenville.

Lord *Rawdon* complained much of the noble Secretary's not meeting him fairly on the subject. He had not obtruded himself; he had been invited by the noble Lord to come forward, and he had now done it. "The assertion I make," said the noble Lord, "is this:—the noble Secretary told "your Lordships, that from 1786 to 1789, a million a year "had been paid of the national debt, and it has been so suf- Lord Rawdon.

"fered to be underſtood by the Public at large. Now," continued the noble Lord, "I deny this to be the fact. I "aſſert the contrary to be the truth; and I dare the noble "Secretary to come forward fairly like a man, and refute "me. He may elude me, and ſhift from me, but he ſhall, "after all, meet me; or if he does not, he may be aſſured "that this Houſe and the Public ſhall know in what man-"ner they have been impoſed on." His Lordſhip ſaid, it was impoſſible that any one could have examined the accounts of the years alluded to, and pronounce a balance in *favour* of the Public, without meaning to impoſe on them. And what puniſhment, aſked his Lordſhip, was due to Miniſters, who could dare to deceive the people in ſo groſs and ſcandalous a manner? It was impoſſible that they could be ſufficiently ſtigmatiſ d; for his part, it ſhould be made a duty he owed the Public to undeceive them in ſo material a point. The noble Lord animadverted on the conduct of Miniſtry, and ſaid, that all a Miniſter now attended to, was the finding out new means of drawing money from the people, which could not but throw the nation into a ſtate of convulſion, that ought to be very ſeriouſly guarded againſt. His Lordſhip repeatedly declared, that he would not be put from his purpoſe, and that if he were allowed a Committee, he begged it might not be formed of thoſe noble Lords with whom he had the honour to coincide, but of the immediate friends of the Miniſter; ſo certain was he of proving what he had aſſerted: but if no opportunity whatever was afforded him, he would make that appeal to the Public, which his duty to his country called upon him to do.

Lord Grenville. Lord *Grenville* called upon the noble Lord to know, if he did not allow that the receipt had not only been equal to the expenditure, but that a ſurplus after the rate of a million a year, had, in point of fact, been produced; the public having availed themſelves of the caſual reſources which had before been ſtated, incluſive of the loan of a million, and a ſum for the unfunded debt of the navy?

Lord Rawdon. Lord *Rawdon* in anſwer reiterated his former ſtatement, denying that a million a year had been paid off, and urging their going into a Committee; in which alone he contended the point in iſſue could be decided, or the neceſſary detail to furniſh the evidence gone into.

A long and deſultory debate continued till eight in the evening, in which Lord Grenville and Lord Rawdon were up many times each, and Lord Stormont, Lord Hawkeſbury, and the Duke of Richmond alſo were on their legs occaſionally. Lord Rawdon uniformly inſiſted on his point, and Lord Grenville on the other hand uniformly held a Committee to inquire what had been the ſtate of our receipt two years

years since, as likely to be of no use whatever, since a Committee to inquire into the actual state of our revenue, receipt, and expenditure, as it stood at present, had been regularly given notice of in another place, and the labours of that Committee would doubtless afford every authentic information on the subject that could be desired.

Lord *Stormont* with great warmth, reprobated the conduct of Ministers on the present topic. This he did upon the ground of the noble Secretary of State having two days since declared he was impatient to meet the noble Lord upon the subject, and then, only two days afterwards, desiring to decline coming to issue with him upon the question. His Lordship compared this conduct to the case of a private individual, who had invited his creditors to inspect his books on a given day, and when that day came, excusing himself from complying with his own proposition. His Lordship said, he would not term the report of the Committee of 1786 a delusive artifice, but he would call it a splended delusion. He added, that it was not the painting of eloquent description which constituted a surplus, but the more simple proof of dry demonstration. The noble Viscount lamented that the result of that day must strike terror and alarm into the minds of the public, and more especially at so interesting a crisis as the eve of a war; and he contended that the not coming to an explanation on the subject, would induce the public to think worse of the matter than it realy was. Viscount Stormont.

Lord Hawkesbury and the Duke of Richmond supported Lord Grenville in his objection, and shewed that the difference between Lord Rawdon and the noble Secretary was not so great as the former seemed to imagine, since the noble Secretary had admitted that out of the three millions paid off in the three years in question, the million loan and 678,000l. unfunded debt of the navy and interest, must be deducted, against which the report of the Committee of 1786 had expressly provided.

The Earl of *Coventry* said he should vote with the noble Secretary, in consequence of the declaration which had fallen from him, that a Committee had been moved for elsewhere, to inquire into and report the actual state of the public revenue, receipt, and expenditure, up to the present year. Earl of Coventry.

A desultory conversation between most of the principal Speakers in the debate now took place; in which the same points were urged again and again; at the conclusion of which the House divided on Lord Rawdon's motion;

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The House adjourned.

Friday, 1st April.

The order of the day, for the House to take into consideration the treaty with Prussia being read,

Earl Fitzwilliam.

Earl *Fitzwilliam* said, that after, in so recent a debate, it had been granted by Ministers, that instead of having paid a million yearly of the national debt, as had been held out, the expenditure of the country had for some years past exceeded the receipt, any measures which might have a tendency to involve us in a war productive of fresh expences, certainly appeared very extraordinary, and afforded matter of the most serious consideration. [His Lordship then desired His Majesty's message to be read]. Which being done, his Lordship said, that on former occasions it had been customary, when His Majesty sent a message to Parliament, desiring their support in any measures, to state the grounds upon which such measures were undertaken. The present message was not accompanied with any such statement; it barely required support in preparation, which had a hostile tendency, without mentioning any cause of hostility. Various precedents might be adduced to shew that messages were usually accompanied with some statement; but he should confine himself to those which came within his own experience in Parliament. In the affairs of Falkland's Island, His Majesty's message had been accompanied with a distinct statement of the causes of the dispute. The message relative to the American war had been introduced in the same manner; and in His Majesty's message last year, respecting the dispute with Spain, the aggressions which had been made, and the grounds of offence which we had received, had been fully enumerated. It was, therefore, his Lordship observed, somewhat surprizing, that a period so critical, and in a matter of such importance as the present, no statement had been given. His Majesty required an addition to the naval force. It was now only three months since one of the finest fleets which this country could ever boast of, had been disbanded. And certainly that measure either indicated an extreme improvidence, or, within that period there must have occurred some new and very extraordinary

traordinary circumstances which rendered that addition necessary, which ought to be stated on the present occasion.

Nothing, surely, his Lordship continued, could account for such conduct, but some sudden turn in the situation of affairs, some strange and unexpected embarrassment of circumstances. The only ground assigned for the hostile measures, which it had been judged necessary, thus speedily, and without explanation, to adopt, was expediency. With regard to the treaty with Prussia, a new doctrine seemed to have been advanced by the noble Lord on the woolsack, that we were bound to support our ally, when only threatened with danger, and before any attack had been commenced; that we ought to enter into its views, and protect its interests, whilst they seemed to be the objects of hostile intention, before they had been infringed by actual violence. This account of the engagements attached to a defensive treaty, certainly differed very widely from any former idea entertained on the subject; and if such were the explanation put upon a treaty merely defensive, he begged leave to ask what was the nature of an offensive treaty, and what farther engagements it imposed. The authority of the noble Lord was so respectable, and his reputation so high, that any doctrine advanced by him could not fail to spread through all the Courts of Europe, and wherever it went to carry with it considerable influence. Its extension and influence became more probable, his Lordship said, as the same doctrine, he understood, had been advanced in another House, by a person equally distinguished in his official capacity in that House, as the noble Lord was in this. The doctrine would therefore be received in all the Courts of Europe, as the expression of the administration of this country.

It was now his intention to suggest some remarks on the Prussian treaty. [which he here requested to have read.] When this was done, his Lordship remarked, that as the interest of Prussia was but very remotely connected with the objects now in dispute between Russia and the Porte, it was difficult to conceive what ground they could have of alarm. Were they afraid that the Empress should establish too extensive a footing in Poland? But, with what propriety could they talk of such apprehensions when they had formerly been concerned in the partition of Poland, in which the Empress came in for a share? The war, if it might be judged from the circumstances of its commencement, had originated from Turkey. The proof that people were the aggressors, was, that they had been successful in almost every action, whilst the Russians seemed totally unprepared for any measure of hostility. The Prussians were desirous to obtain possession of Moldavia, merely in order to give it up

to the Turks. But was it not better that it should remain in the hands of a Christian Sovereign, than be subjected to the dominion of a Mahometan Prince? At any rate, was it proper, asked his Lordship, that attack should be anticipated and hostilities commenced, in order to avoid the necessity of being put upon a defence? The possession, which the Empress had of the Black Sea, gave her advantages which enabled her not only to resist the attack of her enemies, but even defeat the effects of their success.

The noble Earl said, that if his intreaties should not be effectual, he would now try the influence of representations of danger. Recent experience had already taught us what we were to expect from measures like the present. What advantages had we derived from the boasted convention with Spain? The South Sea fisheries were abandoned by our agreement, not to come, except within a certain distance, of the shore. The right of settlement which belonged to all free nations upon the uninhabited coasts of Southern America had been given up. A temporary increase of 900,000l. annually in taxes had been incurred; taxes which were raised by the oppression of the industrious poor, and had subjected the peasants in the country, not merely to the inconvenience and hardships of poverty, but to the distress and miseries of famine. The increase of taxes, which was held out as merely temporary, would in all probability be perpetual, and he should be one of those to thank the Minister for continuing them beyond the term limited, as it had been so clearly stated in a late debate, that the receipt of the country was not equal to the expenditure. After the experience of such evils, incurred by measures like the present, and in this exhausted state of the country, would it be proper, asked his Lordship, to send our armies to a distance in order to support Turkey against Russia? On former occasions, when His Majesty had mentioned the war between these two powers, he had talked of it indeed as an event calamitous to the parties, but in which neither the safety nor dignity of his Crown was at all interested. Some contingency then must have surely occurred, in order all at once to induce this country to take so active a part. It was perhaps trusted, that the Empress of Russia would not be able to oppose the united strength of this country. But it was not recollected that by the doctrine which had so lately been laid down in a debate with respect to defensive treaties, the Emperor of Germany, with all his forces, might come to her assistance.

His Lordship said, he had now shewn that we were not bound by the engagements of treaty, nor could we be induced, by motives of expediency, to interfere in the war between Turkey and Russia. On a former occasion, when the

King of Sweden was interested, we had shewn less forwardness and zeal with respect to our mediation. Never had a country, with such respectable resources, made so contemptible a figure, as we did in that transaction. That Prince had been extricated from his difficulties, not by any support which he derived from us, but by his own great heart.—Was it now from a sense of disappointment that force was wished to be employed? Were these terms which could not be effected by mediation, to be extorted by arms? And was this mode of procedure consistent with the equity of a great nation? Thus it appeared, his Lordship said, that we were neither bound by the engagements of treaty, induced by motives of expediency, or influenced by considerations of justice to interfere in the war between Turkey and Russia; he therefore meant, on each of these three heads to propose a motion, and that their Lordships might clearly see his drift, he would now read them.

"1. That Great Britain hath not become bound by either "the express or implied engagements of the treaty of defen-"sive alliance with his Prussian Majesty, or with the United "Provinces, to take hostile measures, in order to compel the "Empress of Russia to relinquish the advantages gained by "her arms at Oczakow, in Tartary, and in Bessarabia."

"2. That the progress of the Russian arms at Oczakow, in "Tartary, and in Bessarabia, is not an adequate or just "cause for Great Britain to make war against the Empress of "Russia."

"3. That the refusal of conditions of peace proposed by a "power offering mediation, is no just cause for hostile mea-"sures in support of the mediation so rejected."

He concluded with moving the first proposition.

Lord Chancellor.

The *Lord Chancellor* said, the noble Earl who had just sat down, had represented what he had said on a former day, in a manner, which if the noble Earl had been conscious of it, he was sure no personal interest in the course of the debate, nor the greatest interest, could have induced so honourable a mind to do. The fact was, his Lordship observed, that he had not at all declaimed on the equity of the treaty, in any manner whatever. He said, to mark distinctly what he had said on that occasion, he had compared the measure to the interest, which any one nation might take in the condition of a friendly power, either in respect of a commercial intercourse, or of a political intercourse between them, or in the expectation of profit, or of any emolument. He did not foresee that it was possible for any man to misapprehend what he had said on the former day. His Lordship said, he would not undertake to explain the subtleties of treaties, but if the course of the debate should call on him, he had no objection

objection to give his opinion. He thought it was impossible to define defensive treaties in general. This was a hardship which he conceived the case by no means required. He did not mean to complain that the noble Lord had brought forward the subject; but he did complain that the noble Lord had so mis-stated what he had said on a former day. When any case was fairly stated, his Lordship said, he had never hung back from delivering his opinion upon it.

Earl Fitz-william. Earl *Fitzwilliam* replied, that he apprehended he had not mis-stated the doctrine of the noble Lord on the woolsack, as the same doctrine had been followed up by one side of the House in the course of the debate, and he understood had likewise been advanced in the other House.

Lord Chancellor. The *Lord Chancellor* said, he did not know what had been said in another place, but he had read an account of his own speech in a newspaper, and no two ideas were more different from that stated in the newspaper, and what he had stated in that House. He was ready to give his opinion on the principles of law and on the construction of treaties, but he would not take upon him to give a definition. Those who thought treaties capable of being defined, had more knowledge than he pretended to possess. His Lordship then put the question upon the first resolution.

Lord Grenville. Lord *Grenville* rose and said, he did not mean to waste their Lordships time by going into subjects that were foreign to the present question. As to what had passed between the two noble Lords respecting the meaning of something that had been said in a former debate, it would be extremely impertinent in him, after the manner in which the noble and learned Lord had explained himself, to enter any more into the subject. But he begged leave only to claim, for a right honourable friend who was absent, the same privilege that the noble and learned Lord had claimed for himself. He said, it was irregular to quote a former debate, and to reason upon it; but it was much more so to go and pick out of a newspaper the words of a Minister, and to make them the subject of debate in another House of Parliament, where the Minister was absent, and consequently had not an opportunity of answering for himself. His Lordship said, although he had another way of knowing, that what was tendered in another place was perfectly and entirely consistent, and almost literally the same with what had fallen from the noble and learned Lord, yet he felt it to be extremely irregular to enter into any debate on that subject. He would never state any thing that imputed blame to another, but from what he knew of his own knowledge.

His Lordship begged leave shortly to go into the question itself. On a former day, he said, he had the honour of mov-

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ing an humble addrefs to His Majefty, thanking him for his communication, and affuring His Majefty, that the Houfe was ready to fupport him in bringing about the reftoration of peace. He faid, he knew nothing to induce him to depart from that line that had been obferved on former occafions. All that he had originally propofed to their Lordfhips, was a motion of a general nature, and no particular queftions were entered into; other noble Lords had laid down their own propofitions, and had drawn fuch conclufions from them as they thought proper. After their Lordfhips, by the vote of thanks to His Majefty, had, in fome degree fanctioned and approved of the meafure, his Lordfhip begged leave to afk, in the fituation in which he ftood, whether it was wife or expedient to anticipate negotiation on the fubject? Their Lordfhips would confider whether they meant to continue to give that confidence which had been ordinarily given to Government on fuch matters. It had been ftated that a full and explicit account had been given, laft year, for entering into a war with Spain. It was formerly underftood that they had not come forward with the whole bufinefs. Some papers were not before the Houfe. While negotiation was pending, it was not the practice of the conftitution, nor wife for Parliament, to enter into a difcuffion on that negotiation. He fubmitted to their Lordfhips that either they fhould continue their confidence as formerly, or withhold it, and take upon themfelves the conduct of the executive Government. If the two Houfes of Parliament took that power into their own hands, they muft be refponfible for the exercife of it. His Lordfhip concluded with moving the previous queftion.

The Earl of *Derby* was not of opinion that any recurrence to the Spanifh convention, or malt tax, ought to be waved on the prefent occafion. The confideration of the mifconduct of Minifters, and its evil confequences to the fubject, certainly became very proper, when there was danger of the fame mifconduct being repeated, and the fame confequences incurred. Such confideration ought to render them cautious how they gave away their confidence, and adopted meafures before they were aware of their tendency. If Minifters affumed either a wilful veil, or a veil of ignorance, it was their duty to be more clear fighted, and allow themfelves neither to be deceived or mifled. To be fure it might be pleafing to the Minifters to confider themfelves as regulating the courfe of events, and deciding the fate of nations. They might be pleafed to exercife the privilege of bullying one country, of favouring another, and facrificing the intereft of a third. But before they could induce the nation to engage in meafures of fo ferious a tendency, certainly fome farther reafons were neceffary than had hitherto been affigned. (Earl of Derby.)

His

His Lordship said, he did not mean to affirm that continental connections were altogether pernicious, but he could not help thinking that they were much too dearly purchased; and before we renewed our confidence on the present occasion, we ought to attend to the effects of former experience. With regard to continental connections, it had frequently been our lot to be hurt by their love, and poisoned by their hate. We ought to remember that the pride of Spain was still offended, and that she only waited an opportunity to express her sense of the indignity which we had put upon her. We ought likewise to recollect our treatment of the Brabanters, from whom we had transferred our assistance to the Emperor of Germany. There were no limits set to the present business, nor could we know the lengths to which we might be carried by our approbation. It required only a beginning, we became then bound to abide by the issue. Every shilling which we should now vote, was only an earnest of future millions.

The noble Earl remarked the difficulty which we should have to encounter in a war with the Empress of Russia. Her power in the Black Sea enabled her to prevent us from entering the Mediterranean. He reprobated the conduct of the Ministers in interfering with the politics of every country, and embarrassing the nation with all the Courts of Europe. He deemed them entirely unfit for the elevated station which they occupied, and thought that they ought to be let down as easily as possible. Had they improved the opportunity of pursuing pacific measures, they might have saved the country from the difficulties in which it is now likely to be involved. It was true, his Lordship said, that the executive power was distinct from the legislative. But had not they in their legislative capacity, the right and power of influencing the discharge of the executive trust, by refusing the supplies necessary for a war, which disapproving, as he did, of the measures that had been adopted, he should most certainly do. There was not a man out of Parliament, he affirmed, who approved of a war in the present circumstances. Could addresses of approbation have been obtained, Ministers, who knew well how to avail themselves of such arts, would have dunned our ears with them. But not having been able to induce any to approve, they were contented that they should remain quiet. He concluded with giving his entire approbation to the motion of Earl Fitzwilliam.

Duke of Leeds. The Duke of *Leeds* said, that the noble Lords had taken their own suppositions, and drawn conclusions from them, as if they were really facts. They had talked, and reasoned as if the nation was, *flagrante bello*, actually engaged in the progress of hostilities. He, in his official capacity, would

advise

advife a war, if it were neceffary, but before fuch war fhould be determined, he fhould moft certainly bring it forward as a fubject of debate. At prefent, while the negotiation was pending, it would be improper to communicate any information, which might affect its progrefs. If the Minifters were deftined to fall, they would at leaft be obliged to the noble Lord, the more eafily he fhould let them down. The executive power, his Grace faid, could not fubfift without a certain degree of confidence; whilft, at the fame time, he confidered Minifters as refponfible for the exercife of that confidence. His Grace fpoke in very high terms of the Emprefs of Ruffia, and conceived that the mind of that great Princefs was not actuated by motives of refentment, but was prepared for a mediation on fair and reafonable terms. He begged leave to call to their attention what he was fure they would all recollect. He wifhed to fpeak with great perfonal efteem and regard of the noble Lord, who had been at the time at the head of adminiftration. They all recollected fome years ago during the American war how much the public mind was exafperated, and what a clamour was occafioned by His Majefty's Minifters blending the legiflative power with the executive. When meafures purely of an executive nature were doubtful in the refult, Minifters had come to Parliament and obtained the fanction of both Houfes, in order to throw the refponfibility from their own fhoulders upon Parliament. His Grace held it to be indifpenfibly neceffary that the legiflative and executive powers fhould be kept diftinct. He alfo held it to be indifpenfibly neceffary that the executive power fhould be attended with refponfibility, and that the confidential fervants of the Crown and thofe who advifed His Majefty, fhould be refponfible for the advice which they gave to His Majefty. His Grace concluded a very able fpeech, with afferting, that there was not the leaft room to fay that His Majefty's Minifters had either bullied or had ftooped to low adulation, and he would defy any noble Lord to alledge that the prefent fervants of the Crown had betrayed the truft of the Crown.

Lord Porchefter

Lord *Porchefter* inveighed againft the doctrine of confidence in Minifters, and the demand of it, which was brought forward on this occafion, as well as the exercife which was intended to be made of it, if it fhould be granted. His Lordfhip faid, they afked only for the nation's blood and treafure to difpofe of, as they fhould think fit, without giving them any information what was the caufe of the demand, or the ufe to which they were to be applied. But he trufted that they would meet with a repulfe, and that from recent experience the Houfe would be taught a more judicious exercife of their confidence.

Earl of Guildford

The Earl of Guildford rose for the first time in that House, and prefaced his speech with saying, that he did not intend to have taken any part in the discussion of the question before the House, had he not been called up by the particular manner in which the noble Duke alluded to the conduct and measures of an administration in which he bore a considerable part, and was no doubt an unworthy Member. In the allusions made by the noble Duke, his Grace had paid many handsome compliments to him personally, which, his Lordship said, he would be very happy that he had, though he much feared that he had not, deserved; but certainly, as the noble Duke had expressed such sentiments of regard, friendship, and attachment, as he had honoured him with that night, he trusted he never would forget his esteem, or treat it with ingratitude.

When the conduct of that administration was brought forward to their Lordships, he was sorry, his Lordship said, that it was not done as an example worthy of imitation, but, on the contrary, as a beacon to be shunned and avoided as much as possible; and the circumspect, cautious, and guarded silence of those now intrusted with the management of the executive power, was contrasted with the fair, candid, and manly openness and readiness to communicate important information to Parliament, which had distinguished that administration in which he had been placed, and for which conduct he, it seems, with many other noble Lords in that House, are now to be arraigned by the present administration. As far as his memory served him, and if he went wrong, he trusted some noble Lord would put him to rights, the Ministers, that were alluded to, thought it not only proper, but strictly their duty, upon every occasion of that importance or serious nature which required the aid or advice of Parliament, to come down and communicate to the Parliament the real situation they were in, together with the causes of that situation, as far as they could be known, and could be disclosed with safety to the State; and then to form, by the assistance and advice of Parliament, such a plan for future management as seemed best adapted to the existing circumstances at the time, and most likely to produce salutary and desirable effects. It likewise had been the practice of those with whom he had the honour to act, his Lordship said, when they required any aid from the resources of the country, which they could alone get constitutionally by the means of an application to Parliament, to lay before Parliament every information that tended to shew upon what grounds or for what purposes they made the requisition, as far as such communication could be made, without endangering the country, or betraying the trust reposed in them by their Sovereign, or revealing,

revealing, what always ought to be inviolably concealed, the ſecrets of the ſtate. It had been ſaid, that this conduct had occaſioned great alarm and clamour in the country, and that Miniſters, in order to ſhield themſelves from the blame and deſtructive conſequences of their meaſures, had, upon all occaſions, applied to Parliament, and thereby involved Parliament in the odium which occaſioned that clamour. Whatever clamour was at that time, he would aſſert, that a more idle, unfounded, or unjuſt, clamour never exiſted; and he appealed to that Houſe, and could appeal to the country at large, whether that adminiſtration had, upon any occaſion, given the world the ſmalleſt grounds to form ſuch an idea, as that they went to Parliament merely to ſcreen themſelves from the conſequences of their own conduct, by involving Parliament, as having given aſſiſtance and advice to purſue meaſures, which they themſelves were afterwards afraid to acknowledge; a conduct that could not be too much or too ſtrongly reprobated, as it went to throw off all ſort of reſponſibility from the official ſervants of the Crown.

Whatever confidence was due to the executive Government, and, to a certain degree, no man, his Lordſhip ſaid, could be a greater advocate for it than he was, nothing would perſuade him that it ought to be carried to that blind, implicit, and unintelligible length, which ſeemed to be required now a-days by thoſe entruſted with the executive power in this country. On all matters of ſuch ſerious importance, ſo momentous and intereſting as the preſent buſineſs was to the country, he thought it became Miniſters to communicate to Parliament ſuch explanation as they ſurely might do without hazard. No honeſt Miniſter ever would betray his Sovereign, or expoſe the ſecrets of the Cabinet; but, at the ſame time, no honeſt Miniſter would make a demand upon Parliament for their aid and advice, and lay claim to it and the public purſe, without aſſigning any one reaſon for that demand, farther than the neceſſary confidence that is due to the ſervants of the Crown; and if they did, there were very few periods at which it would avail them, and he ſincerely hoped and truſted that this was not the time when ſuch an argument would be ſucceſsful. When great and important plans were in agitation, great expence muſt be incurred; to defray which, the reſources of the country muſt be required, and the conſent of the people, by their repreſentatives in Parliament, muſt be obtained, before theſe reſources can be appropriated to the intended purpoſes. But on all ſuch occaſions it is proper and juſt that the country ſhould know that their rights were in ſome degree or other invaded, that their commercial or political intereſt were either injured or endangered, or that the honour of the country had been inſulted;

all, or any of which causes, are sufficient to justify the measures of the executive Government, and to satisfy the country that their most material and substantial interests were at stake, and that the conduct of Administration was the necessary and proper consequence, from the situation the country was in, and not the capricious and wilful acts of Ministers, for some private end or wild project, the expediency or necessity of which existed only in their own minds, unknown, unexplained, and undefinable to all the world besides.

That the question of to-day was in its nature serious, momentous, and important, his Lordship said, there could be but one opinion either in or out of that House. That the prospect of the country being plunged into a war, the consequences of which must be ruinous, and the termination doubtful, was a circumstance worthy of solemn deliberation; and that there existed any necessity for this war, or that any advantage could possibly accrue from it, were circumstances of which we were as yet entirely in the dark; neither by His Majesty's message, nor by any information that Ministers had yet given, or seemed disposed to give, could that House, far less the country, learn that their rights were in any shape invaded, that their commercial or political interests were at all exposed or endangered, or that the honour of the country had been any where, or any how, insulted. In this situation, therefore, from the profound and inexplicable silence observed by Ministers, what had the country to think of their conduct, and would it not be much better sense, and more to their honour, were Ministers to come forward with an open and manly firmness, to communicate to Parliament some explanation, and assign some reasons for their conduct before they asked their assistance and approbation, or claimed their confidence, which, his Lordship insisted, they might safely do, without betraying any trust, or exposing any secret that ought to be concealed; and unless they did this, he said, he for one, could not see any possible claim which they had either to confidence or approbation.

As to the motion made by the noble Lord, and now before their Lordships, the noble Earl said, he approved of it, whatever success might attend it, and was happy that it had been made, because it had produced one very good and very great effect, and that was, a clear, explicit, and ample declaration, from the highest authority, and from a quarter that he ever had, and would have, the highest respect and veneration for. He complimented the Lord Chancellor very highly, and disclaimed every idea of flattery. The noble and learned Lord had declared, that we had no fœderous connection with Prussia, which occasioned the present war, and that on a *bona fide* construction of that treaty, which was now the

ſubject of diſcuſſion, there was nothing in the letter or ſpirit of that treaty that could be conſtrued into a cauſe for the preſent armament, and that it was merely a defenſive treaty of alliance, and could be looked upon in no other light. Lord Guildford ſaid, it could ſcarce be argued, that Pruſſia had much to dread from the Empreſs extending her dominions to the frontiers of Poland; when it was remembered, that the King of Pruſſia, whom he conſidered as one of the greateſt, wiſeſt, beſt Princes that ever lived, had himſelf been a party in ſettling and confirming the treaty of partition. With regard to what had been ſaid by the noble Duke, that we were not at war, but negotiating, not being in the ſecret, he could not pretend to ſtate to the Houſe what were the terms offered by Ruſſia to prevent war; but in his opinion, the terms which were ſuppoſed to be offered, as far as they had been mentioned, appeared reaſonable; and until they were contradicted from authority, they muſt be thought the real offers which the Empreſs had made. And he could not help thinking, his Lordſhip ſaid, that from the preſent aſpect of affairs we ſeemed to be arming, not for the purpoſe of obtaining and ſecuring peace, but for certain conditions of peace, which conditions are dictated by the caprice and opinion of Miniſters only; and ſo different in their nature from the offers made, as to appear unreaſonable to the Court we are negotiating with, and not likely to be agreed to. It was but fair that the Houſe and the country ſhould be informed as to what offers had been made, becauſe it was the avowed intereſts of this country to preſerve peace in Europe. If that offer was no ways detrimental to the commercial intereſts of the country, or no ways derogatory to the honour of the nation, certainly it ſhould be agreed to. If an oppoſite conduct was followed by Miniſters, the country muſt be at a loſs to account for the intentions of this war. Reſentment, for paſt injuries, had been hinted at; but no man would argue, that reſentment was a proper motive for any country to go to war. In his mind, it was one of the worſt and moſt unjuſt of all cauſes, even for an armament like the preſent; which, till farther explanation was given, he would conſider as prepared merely to enforce certain conditions of peace, or provoke an unjuſt war upon no other grounds but a blind confidence in Miniſters, and bare ſtatement from them, that they thought their own meaſures expedient.

His Lordſhip ſaid, that if theſe conditions were to be obtained at the expence of twenty millions, or ten millions, or even five millions, he would aſk Miniſters, after they had wreſted Oczakow from the Empreſs, what the value of it was to this country, or what return the country would

receive

receive for that expenditure. He then stated the opinion of one of the greatest men, and ablest Generals (Marshal Keith), whom he had ever known. A countryman of our own, who had long been in the Russian army, and afterwards had gone into the Prussian service. That great man had told the King of Prussia, when the King had projected a plan of penetrating through Livonia to the Russian dominions, that such a scheme would require a very numerous, and a very well disciplined army, under the command of the greatest and wisest General, before it could be rendered successful, or even practicable; and that on the other hand, a very small detachment of an army could successfully impede his progress if the attempt were made. With this opinion before our eyes, what could we mean to do, his Lordship said; was it our intention to embark in such a design, or were we to endeavour to penetrate to Petersburgh, according to the plan which Charles the Twelfth, one of the greatest and boldest military geniuses of his time, had taken?

As to the resources of this country, his Lordship said, he was none of those who thought that they were exhausted, and that the finances of the country were in a deplorable situation; he thought the fact was otherwise; and that the national debt was not so great a burthen, or fell so oppressive as had been stated. He, however, thought that it was proper to have in view the true length to which it might with safety be extended, before any additional burthens were imposed, or money drained from the country without solid and substantial grounds. He really thought it necessary, however, to press for some explanation upon the cause of the war, that the country might know what great advantage to their commerce, manufactures, or revenues, and what other benefits were likely to accrue to us from a war carried on with Calmuck Tartary. Although, perhaps, he would have very little to do with the management of this war, his Lordship owned he had some degree of curiosity to know the event of it. As to our fleet, no man, his Lordship said, within or without that House, had a higher opinion of the bravery of our officers, or the courage of our seamen, than he had; but he would venture to assert, (or, if he were more given to modern fashions, he would even bet), that whenever we chose to send our fleets into the Baltic, or to the Black Sea, they would meet with no enemy whatever, unless enemies which were always to be found in those seas; the wind, the shoals, and the rocks, violent enemies to be sure; but when added to the expence and taxation that must ensue at home, were all, he believed, that we could meet with.

After

After discussing the matter before the House in every point that it could possibly be stated, his Lordship concluded, by pushing Ministers to explain the clause of quarrel, and the offers of accommodation that have been made by the Empress, (as far as such explanation could be safely given), before they were entitled, or could fairly, openly, and candidly, claim the approbation and confidence of Parliament.

Earl of Hardwicke.

The Earl of *Hardwicke* said their Lordships had no right to say that they were surprised, or even that the present subject was new to them; for His Majesty, in the speech at the opening of the session, had announced the fact that his mediation had not succeeded in bringing about a peace, and after this, a larger marine establishment than usual was voted. He approved of what the Ministers had done, and he should think them wrong, in the present stage of the business, to disclose any thing more than they had done in the message.

Viscount Stormont.

Viscount *Stormont* apologized for rising at so late an hour; he would not intrude long on their Lordships' patience: Indeed, after a speech of such unanswerable reasoning, of so much information and eloquence, as they had heard from his noble friend (the Earl of Guildford), nothing that he had to say could be of much consequence. After the debate both of this and the former evening, it must be evident that Ministers forsook every ground which the custom and usage of the constitution had established, and in a dictatorial tone, delivered out this alarming measure, as a matter to which Parliament was blindly to accede, but which they had no right to investigate. They demanded confidence, his Lordship said, as men demanded a right; and threw themselves, not on reason, not on argument, but on responsibility. "We are," say they, "responsible for this measure. We "are resolved on it. We want not your advice. We call "only for your acquiescence." This was certainly not a tone to which Parliament had been accustomed, nor that which was becoming at any time, or in any case. The noble Duke (of Leeds) whose manners in private life were so polished, had not in his public capacity sent a message to her Imperial Majesty remarkable for moderation. He would be bound to say, that no precedent could be found for it in the office which he held. Unprovoked, unattacked, we chose to interfere in a war, in which she was not the aggressor, and with a preremptory voice demanded, that she should not retain any one of the places which she had conquered as an indemnification for the expence. This war, of which, his Lordship said, he was too much afraid we were the original authors, for Ministers had not attempted to contradict the

rumour

rumour that British councils had excited the Turks to attack Russia, was to be put a stop to by this preremptory mandate. It was as unwise, as it was likely to be calamitous. It was now a new situation, for we never had a fleet in the Baltic without at the same time possessing a friend there. And such a message was never sent to any foreign power. If therefore Ministers were determined to stand on their responsibility, he must warn them of the extent of their pledge; for the day of account must come, and he foresaw it would be a day of severe reckoning.

To expect that the high minded Princess, whom again, he must say, bore, in many of the great points of character, a strong resemblance to our illustrious Elizabeth, had in particular a heart of undaunted bravery, and a soul too magnanimous to brook a dictatorial conduct, would be intimidated by our threats, his Lordship said, was highly improbable. And what was it, his Lordship asked, that we thus insolently demanded; that after being drawn into a war, she should yield up a spot which might be the means of enabling the Turks more easily to attack her again. And this we demanded at the very moment when we had made a treaty in India, the most infamous one that ever was made; infamous even in India, where men allowed themselves more latitude of conduct than in other climates, a treaty, in which, like savages more than like men, we had really entered into an agreement to divide the territories of a power whom we had determined to attack. And this we were doing in Asia, while in Europe we resolved to hazard a war with a natural ally, to prevent her from keeping a little barren spot, which she thought of some consequence; and this we were to do, because the King of Prussia, with whom we had a defensive treaty, conceived that the possession of this place might be injurious to him. His Lordship concluded with saying, that if such were to be the construction of a treaty, he knew no difference between a defensive and an oppressive treaty.

Lord Chancellor. The Lord *Chancellor* left the woolsack, and in a short speech observed, that it must be unwise to enter beforehand into the discussion of any matter stated to be in negociation, and therefore he should decline giving any opinion upon the subject. In reply to what a noble Earl near him had suggested, from an imagination that he had in a former debate discussed the merits of the Prussian treaty, he could only say, that he had made no such discussion. With regard to the construction put upon defensive treaties, he saw no reason so strictly to interpret them as to lay it down that the parties were to wait for an attack before they took

any

any measures for their defence; and he would ask, if the present King of Pruffia were to have it recommended to him to be perfectly paffive till the fword was actually in his bofom? After fhewing the abfurdity of fuch conduct and obferving, that under a defenfive treaty it might fall out, that one of the parties in that treaty ftruck the firft blow, his Lordfhip called the attention of the Houfe to the queftion then before them, viz. the previous queftion. The only queftion, therefore, he faid, that he fhould have to put, would be, whether the original motion fhould be then put or not; and to that queftion would their Lordfhips have to fay content or not content.

The Duke of *Montrofe* faid, he rejoiced to hear from the noble Lord in the blue ribband (Lord Guildford), that in his opinion, we were not come to the end of our refources. It juftified the noble Secretary in the manner in which he had met the arguments of a noble Lord on the day when that fubject was difcuffed. He was glad to hear him fay, that our fleets were not likely to meet an enemy in the Baltic, but tempefts, and fhallows, and rocks. If it were fo, his Grace faid, he trufted, that whatever enemy they met, they would give a good account of them. He was aftonifhed to hear the noble Vifcount fay, that the treaty with the Nizam and the Mahrattas was an infamous treaty. A day was appointed for taking it into confideration, and he trufted it would be found to be a treaty for the honour and intereft of the King. Duke of Montrofe.

Lord *Rawdon* faid, the manner in which the noble Duke had alluded to his motion for a Committee to examine the ftate of the finances, demanded a fhort animadverfion. He had explicitly ftated, as a fact, which he was ready to demonftrate, that in the three laft years, fince the eftablifhment of the plan of redemption, and of profound peace, our expenditure had exceeded our income, and that Minifters had held out a fallacy, in faying that they had paid off a million a year. He repeated the affertion. He challenged them to go into a Committee. If they did not feel bold enough to do fo, he claimed it as his right that they fhould not difpute the fact. Lord Rawdon.

Lord *Grenville* replied, that he felt himfelf juftified in thinking it unneceffary to go into the Committee. He had faid that in the three firft years of the period to which the noble Lord alluded, there had been paid off 2,700,000l. and there had only been borrowed 1,700,000l. fo that there was a furplus in that period of 1,000,000l. Lord Grenville.

Lord *Rawdon*. "Why," faid the noble Lord, "if the "fact be fo, will not the noble Secretary go with me into a "Committee, and exhibit his proofs? I again challenge Lord Rawdon.

"him to the proofs. I again aver that he includes Exche-"quer bills to a considerable amount, and takes a large "arrear as an article of revenue; both of which are gross "and palpable fallacies. Such are the temporary expedi-"ents, by which Ministers bolster up public credit and "sustain themselves. After shrinking from inquiry and "decision, when the contest was proposed to him in the "most solemn manner, upon a former occasion, the noble "Lord must now be understood to have relinquished all "right of stating the question as still doubtful.

"If, however, his better reflection has led him to think "that he was indiscreet in declining the investigation upon "the former occasion, he was willing to give him one "more opportunity, but it must be the last; if the noble "Secretary of State will not come forward to meet me with "that distinct contradiction which shall afford ground for "your Lordships' determination, let it be now under-"stood that he for ever abandons the point, and the matter "must never more be argued in this House as undecided. If "he will stand forward and meet me, then your Lord-"ships cannot, consistently with your duty to the public, "refuse me a Committee; and that Committee shall decide "which of us two, standing in the face of his country, "shall have dared deliberately to advance the thing which "is not."

Lord Grenville. Lord *Grenville* said, he was sure the noble Lord did not mean to assert that he had asserted the thing which was not. He thought that the House were as proper as a Committee to decide on the accounts.

The House then divided on the previous question.

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The other questions were then put, and negatived in the same way without a division.

The House adjourned.

Monday, 11th April.

The order of the day being read for the House to take into consideration the India papers on the table,

Lord Porchester. Lord *Porchester* rose, and addressed their Lordships in a speech to the following effect:

The papers upon your Lordships' table furnish matter of so much alarm, that however unwilling I am to trespass on your time, I feel it peculiarly my duty, who moved their produc-

 tion,

tion, to draw your Lordſhips' attention to the very important tranſactions which they contain: it is, however, a duty which I cannot diſcharge without reluctance, leſt I ſhould in its progreſs appear to impeach, in any degree, the high opinion which I entertain of the character of the noble Earl who preſides over the Company's ſervants in India, and is the principal actor in the tranſactions to which I muſt entreat your Lordſhips' ſerious attention. No man is more fully perſuaded than I am, or more willing to acknowledge, that the noble Earl has paſſed a life of irreproachable honour and integrity, in the ſervice of his country, and that, for a life ſo ſpent, no common gratitude is his due; and, however inſignificant the eſtimate of my praiſe may be, no man at leaſt more cheerfully pays his portion of the public gratitude to the noble Earl than I do; but in whatever eſtimation I may hold the virtues of the Governor General, if I were even perſuaded that he could on all occaſions diveſt himſelf of the prejudices of a military education, that he could at all times moderate and temper the ſenſibility and ardour of a ſoldier, with the cool caution of a ſtateſman, and phlegm of a financier; even if I attributed infallibility to his judgement, I muſt equally be perſuaded, that the Board of Controul poſſeſſed all his virtues, or at leaſt, that they had from the beginning left him to the exerciſe of his own, before the reſpect I bear to his character could ſilence my judgement on the tranſactions in queſtion. That this is not the caſe, many incontrovertible proofs, drawn from the documents on your table, ſufficiently evince; and indeed the character and features of the tranſaction betray its parent; the ſame miſchievous ſpirit that has availed itſelf of the depreſſion of France in her political ſphere, in order to embroil us with the reſt of Europe, has ſeized the ſame opportunity to diſturb the tranquillity of India; the ſame iniquitous folly that has converted the fortunate opportunity of recruiting in peace our exhauſted ſtrength, into the curſed occaſion of waſting the miſerable remnants of declining reſources on idle and ruinous projects, has equally pervaded our affairs in Europe and Aſia, It is an impolitic Adminiſtration at home, and not the Governor General in India, who is the author of all this evil, and reſponſible for all its fatal conſequences.

It is not to trifling circumſtances of miſtaken policy, ſaid his Lordſhip, it is not to venial errors of a Government involved in the embarraſſing intricacies of a difficult and critical ſituation; it is to a war, wantonly entered into, without provocation; a war, whoſe object is mere conqueſt, without the reſources neceſſary to carry it on; in violation of treaties, in contempt of the recorded policy of the Court of Directors, through a ſeries of years, founded on the wiſdom of their

most experienced servants, in contempt of their reiterated orders, grown stale with repetition, and in open defiance of the sanction and authority of the legislature. I am well aware, my Lords, that the subject I have undertaken is as intricate, as it is important; and I am equally aware, that its importance required greater abilities than mine to do it justice; abilities more practised in giving perspicuity to the intricacies of mixed detail and reference: I am conscious, that without the means of seducing your attention, I must trespass much upon your patience during the progress of a dry and tedious detail, interrupted with frequent references to the documents on your table, in order to shape from the disjointed limbs of an involved and mysterious transaction, a body of proof, capable of convincing your judgement. I doubt not, however, if I am so fortunate as to obtain your attention, that I shall prove all that I have asserted of this transaction to your conviction, as forcibly as it is impressed upon my own. The history of that part of India, as far as relates to the present subject, may be collected from a brief statement of the treaties on your table; the treaties we have concluded with the Nizam, and his conduct under those engagements, will sufficiently mark the character of him, on whose faith and assistance we now rely, and the situation in which we stood with respect to him before the present disturbances. On the 12th of November, 1766, the India Company concluded a treaty with the Nizam, and amongst other articles of great importance to him, we engaged to supply him with certain stipulated forces, under certain circumstances: the object of this clause was to unite our forces to his, in character of his ally, in order to invade the territories of Hyder Naigue; and accordingly, in the beginning of 1767, the English forces, in conjunction with the Nizam, invaded Hyder's dominions. In a very few months the Nizam made his peace with Hyder, without giving his English allies any other notice, than that he had no farther occasion for their service, and leaving them in an enemy's country to make the best retreat they could; he left them principals in a war, in which they had entered as his allies; neither did he limit his treachery to simple desertion; before the year was expired he joined his late enemy Hyder, with 80,000 men, against his late friends and allies; and, in conjunction with Hyder, invaded the Carnatic, and with Hyder was defeated in September 1767, by General Joseph Smith, at Trinomaly: taught by this rough lesson, he as readily and honourably deserted his new friend Hyder, and united himself again with the English, to extirpate Hyder as a monster; having thus changed sides three times in thirteen months. For this purpose, on the 23d of February 1768, he concluded a treaty with

with us, in which, with modest confidence he asserts, "That "Hyder Naigue having lately invaded and laid waste with "fire and sword the possessions of the English Company, and "the Nabob Wolau Jau in the Carnatic, (acts which he "himself had done in concert with Hyder) it is certainly "necessary for their peace, &c. that the said Hyder Naigue "should be punished, &c." In this treaty, he generously bestows on the English the country of the Carnatic Bella Gaut, belonging to, and then in the possession of, Hyder, and engages to assist them in its conquest, on condition, that as soon as they shall be in possession, they shall pay to him annually, seven lacks of rupees, and to the Mahrattas the whole chout, or one fourth of the nett annual revenues of the country. The Company likewise engage to furnish certain stipulated troops whenever he shall require them, provided the affairs of the Company permitted it; by which last words the Company reserved the full discretion of sending the said troops or not, according to circumstances. I wish to point your Lordships attention to this clause, as I shall have very material occasion to revert to it; this is the last treaty concluded with the Nizam, previous to those which are the subject of the present consideration. The peace with Hyder, that took place in the year following, 1769, obliterated all that part of the above treaty which respected the conquest of Hyder's dominions, to whom we ceded all our claim, by treating with him as Sovereign of that country, leaving him in full possession, and even becoming guranty to him for that possession: in other respects, the treaty of 1769, was a mere treaty of peace between the contracting parties, namely, the Company and Hyder; and including the allies of each party as allies of the war, and nominally the Rajahs of Tanjore and Travancore, as allies of the Carnatic Payen Gaut. By the second article, the contracting parties, namely, the Company and Hyder, guaranty each other's possessions, and not those of their allies: it is material that your Lordships should observe, that this second article of mutual guarantee gave so much displeasure to the Court of Directors, (as breaking through the policy which they had prescribed to rule the conduct of their servants,) that in their lettet to the Select Committee at Madras, dated the 10th of April, 1771, they say, "We cannot but consider the defensive alliance with "Hyder, as a source of infinite evils, and we hope that no "temporary considerations will in future time induce our servants to embarrass us with claims, the fulfilling of which "may tend to wound our commercial interest, and endanger "the public tranquillity, and the refusal whereof may in "any degree be construed as an impeachment of our honour." Your Lordships will certainly observe, that there

is not the shadow of a pretence, that any other defensive engagement was entered into by this treaty, except that with Hyder, of which the Directors here so strongly complain; nor will you easily credit, that contrary to these plain injunctions, any future engagements were entered into by their servants which could produce the evils of a defensive alliance here complained of; in fact, this letter of the Directors was so effectual, that (as appears in Sir J. Rumbold's Considerations of the Political State of India) Hyder claimed in vain the assistance stipulated, which in direct breach of the treaty was refused. I mention this, in order to point your Lordships' attention to the important fact, that this article of guaranty and other defensive clauses so alarming to the Directors, were in consequence of their injunctions omitted in the treaty of Mangalore, in 1784, which was therefore a simple treaty of peace. This treaty was preceded by a war with the Mahrattas, Hyder Ally, and other confederate Princes, in 1780; and this war was acknowledged to be an additional obligation we owed to our good friend the Nizam; the proof of this fact appears by the following minute of Sir Eyre Coote, the 12th of January 1781.

"The Nizam has in his letter to the Government, and "in his conversations with Mr. Holland, who communi- "cated them to the Governor General and Council, avowed "his displeasure on account of our behaviour with regard to "the Pishcash and the Guntoor treaty; and has without "scruple acknowledged his having, for these reasons, en- "couraged and connived at a combination of the powers "against us;" this war was followed first by a peace with the Mahrattas in 1782, now on your table, and in the year 1784, by a peace with Tippoo, commonly called the treaty of Mangalore, which was the last subsisting treaty with the Chief of Mysore before the present war in India, upon which it is only necessary to repeat the observation, that the orders of the Directors, and commands of the legislature, were more strictly observed than heretofore, and that it therefore is a simple treaty of peace, including with ourselves, our friends and allies of the war, without any defensive clause whatever; and that from this treaty no claims, such as the Directors expressed in their observations on that of 1769, could arise, namely, claims embarrassing either to their commercial interests, or their honour. It is necessary for your Lordships to observe, that there is no treaty whatever subsisting between the Company and the Rajah of Travancore. Between the Nabob of Arcot and the Company you have two treaties on the table; the first of no importance to the present question; the last of very great importance: it is a treaty concluded by Sir Archibald Campbell in 1787, and adjusts the proportion

to be paid by the two contracting parties for the military, peace and war eſtabliſhments. I ſhall only refer to the article for the war eſtabliſhment; and it profeſſes to be, "for "arranging, by a juſt and equitable treaty, a plan for the "future defence of the Carnatic and the Northern Circars, "and for diſcharging the expence of a war, in the event of "a war breaking out in the Carnatic, or on the coaſt of "Coromandel," (not in Travancore, or on the coaſt of Malabar, nor for the conqueſt of Myſore). The ſtipulated ſum on the part of the Nabob of Arcot is four-fifths of his revenue, to be applied "for their common ſafety and intereſts, "as alſo for the intereſt of their allies in the Carnatic, and "on the coaſt of Coromandel," (and not for the ſeparate allies of the Company, nemely, the Mahrattas and the Nizam, nor for the intereſts of the Rajah of Travancore, nor in defence of places ſituated on the coaſt of Malabar. Specific and limited powers are given to ſecure payment, to ceaſe when the arrears are paid, and a diſtinct and guarded proviſo, "That nothing ſhall extend, or be conſtrued to extend, to "deprive his Highneſs the Nabob of the Carnatic of the ci- "vil Government thereof, the credit of his family, or the "dignity of his illuſtrious houſe; but that the ſame ſhall be "preſerved to him inviolate, ſaving and excepting the pow- "ers in the foregoing articles expreſſed and mentioned." Thus ſtood the affairs of the India Company in that part of Hindoſtan with reſpect to treaties; and your Lordſhips will obſerve, that by none of theſe treaties the Company are bound to defend the dominions of any Prince or State in India, except thoſe of the Nabob of Arcot, unleſs it is ſuppoſed that the guaranty of Tippoo's dominions, by the treaty of 1769, was ſtill in force before the exiſting war. It will now be neceſſary, continued his Lordſhip, to ſhow the eſtabliſhed policy and orders of the Court of Directors, and the injunctions of the legiſlature, which limited and controuled the ambition of the Company's ſervants in India; for this purpoſe I muſt trouble your Lordſhips with reading ſeveral extracts from general letters. I could with eaſe cover your table with exaracts, proving the uniform policy preſcribed by the Directors; but I ſhall only ſelect a few of different dates, in order to cover, with the proof, the whole ſpace, from the treaty of Illiabad, till the policy received a legiſlative ſanction and authority in 1784. I ſhall begin with the opinion of Lord Clive, given in a letter of the 30th of September, 1765, to the Court of Directors, immediately after the reſtoration of Sujah Dowlah. "Our reſtoring to Sujah Dowlah the "whole of his dominions, proceeds more from the policy of "not extending the Company's territorial poſſeſſions, than

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" the generous principle of attaching him for ever to our in-
" terest by gratitude."

Extract from a general letter of the Court of Directors to the President and Council of Fort St. George, May 13, 1768.

" You will observe, from the whole tenor of these dis-
" patches, that our views are not to enter into offensive
" wars in India, or to make farther acquisitions beyond our
" present possessions. We therefore recommend to you as
" soon as possible to bring about a peace, upon terms of the
" most perfect moderation on the part of the Company, and
" when made, to adhere to it upon all future occasions, ex-
" cept when the Company's possessions are actually attacked;
" and not to be provoked by fresh disturbances of the coun-
" try powers to enter into new wars.
" Lord Clive soon discovered, that the extirpation of Su-
" jah Dowlah would have broken down the strongest barrier
" against the Mahrattas, and therefore wisely restored Sujah
" Dowlah; such too should be your conduct with respect to
" the Nizam and Hyder Ally."

Extract of a general letter, June 30, 1769

" We must say, upon principles of policy, we wish for
" peace with Hyder Naigue, whenever it can be obtained
" on the most moderate terms; for our policy is to avoid
" every thing that tends to the increase of the Mahratta
" power, which is evidently the misfortune of this war; for
" you are reduced to the necessity of being yourselves the
" proposers of new provinces to be added to the dominions
" of the Mahrattas, already possessed of half the Mogul em-
" pire."

Opinion of Mr. Dupre and Mr. Hastings, 1770.

" We are clearly of opinion, that if the Company were
" to take part with either the Mahrattas or Hyder Ally, the
" supporting Hyder Ally as a barrier against the Mahrattas
" would be far more eligible than to throw the whole power
" into the hands of the Mahrattas, by uniting them to re-
" duce Hyder Ally, and add the Mysore dominion to theirs;
" we have all along thought it impolitic to the last degree
" to raise the power of the Mahrattas, already too great and
" dangerous."

Extract of Mr. Smith's Minute, Fort St. George, Consultation, Feb. 18, 1770.

" Hyder Ally being the only barrier against the enor-
" mous power of the Mahrattas, should always have been
" considered as our natural ally; the late war against him,
" which

"which cost the Company so many lacks, was a war against "themselves."

If it were necessary to give farther proof of the uniform policy prescribed by the Court of Directors, and of the corresponding opinions of their most experienced servants, I could produce volumes to the same effect: I shall now show to you, that the present head of the Board of Controul, and the representatives of the Commons of Great Britain, entertained the same opinion. I shall therefore read the three first of a long string of resolutions moved by the present head of the Board of Controul, and unanimously adopted by the Commons, in 1782.

1. "That the orders of the Court of Directors of the "East India Company, which have conveyed to their servants abroad a prohibitory condemnation of all schemes "of conquest and enlargement of dominion, by prescribing "certain rules and boundaries for the operation of their military force, and enjoining a strict adherence to a system of "defence, upon the principles of the treaty of Illahabad, "were founded no less on wisdom and policy than on justice "and moderation."

2. "That every transgression of those orders, without "evident necessity, by any of the several British Governments in India, has been highly reprehensible, and has "tended in a chief degree to weaken the force and influence, "and to diminish the resources of the Company in those "parts."

3. "That every interference as a party in the domestic "or national quarrels of the domestic powers, and all new "engagements with them in offensive alliances, have been "wisely and providentially forbidden by the Company in "their commands to their administration in India."

To close this long string of proofs, the legislature, in 1784, gave its sanction and authority to these opinions, and these commands, by the act of the 24 Geo. III. ch. 25 s. 34.

"Whereas, to pursue schemes of conquest and extension "of dominion in India, are measures repugnant to the "wish, honour, and policy of this nation; be it therefore "farther enacted, by the authority aforesaid, that it shall "not be lawful for the Governor General and Council of "Fort William, without the express commands and authority of the Court of Directors, in any case, (except where "hostilities have actually been commenced, or preparations "actually made for the commencement of hostilities against "the British nation in India, or against some of the Princes "or states dependant thereon; or whose territories the said

"United Company shall be at such time engaged by any "subsisting treaty to defend or guaranty) either to declare war "or commence hostilities, &c. &c. &c."

Thus, my Lords, you have on your table a full view of the engagements binding on the India Company under subsisting treaties, both such as respect pecuniary arrangements, and such as give any defensive claim on the Company; and you have just heard the peremptory dictates of the legislature, setting bounds to the avarice and ambition of the Company and their servants, by prescribing the policy to be pursued in India, and expressly and distinctly prohibiting the Governor General, without the express commands of his superiors, either to make war or enter into any new treaties for that purpose against any power, unless actual hostilities are commenced by such power against the possessions of the Company, or of some Prince, to whose defence they are engaged by subsisting treaties. The question therefore is brought to a short issue; have our possessions been first attacked by Tippoo Sultan, against whom we have waged war, or have the possessions of any Prince, to whose defence we are by treaty bound, been attacked by Tippoo Sultan? If not, and it is impossible to show that either of these events have happened, nothing can make the war legal, or its pursuit less than a direct violation of the authority of the legislature, except the express commands of the Board of Controul; and, in that case, though it is within the legal discretion of the Board, such orders would be in obvious contempt of the clear explicit sense of the legislature, and of the known and acknowledged interests of the Company; but such orders would leave the conduct of the Governor General free from all imputation of error.

The legislature, said his Lordship in continuation, besides the interposition of its authority, has placed a still farther barrier against the dangerous ambition of the Company's servants in India, by constituting a Board of Controul to superintend and keep within its proper bounds the speculative ventures of commercial politics. The servants of the Company are at this moment, men of the most unblemished characters, and they are bound down by so many positive injunctions and explicit laws on the subject of wars and defensive alliances that it is not in their power to offend in this point; and indeed in the opening of the India budget, on the 31st of March last year, it was truly said by the head of the Board of Controul, that "he must be a daring Governor General indeed, "who could so far venture to disobey instructions from home, "as rashly to pursue a different course." What the nature of those instructions from home have been, which prescribed to the Governor General his course, will, notwithstanding the mysterious veil which is cast over them, clearly appear from

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the papers to which I ſhall refer. In order to effect this, I muſt entreat your ſerious attention to the letter from Lord Cornwallis to the Nizam, of the 7th of July, 1789. It is a letter of the moſt extraordinary nature, a phenomenon in the diplomatic line, and of the greateſt importance. And in conſidering this letter I muſt beg your Lordſhips to bear in your mind the clauſe of the act of 84, prohibiting the Governor General, without expreſs commands, to make a treaty of offenſive alliance; for you will find this letter not only to be in effect a treaty, but conſidered as ſuch by the writer, and entered as ſuch on the file of treaties, as appears by its recital amongſt the other treaties in the firſt article of the late treaty with the Nizam; and I ſhall prove to your Lordſhips, that it is a treaty leaguing war againſt Tippoo Sultan, unprovoked on his part; this epiſtolary treaty, therefore, under the exiſting circumſtances, could not have been concluded without the authority of the Board of Controul, unleſs you ſuppoſe, what no man has a right to ſuppoſe, that Lord Cornwallis did that illegally, and without authority, which he might have done legally, and with authority. If I was diſpoſed, as I am not, to accuſe Lord Cornwallis of acting in defiance to law in this treaty, I ſhould not be entitled to the ſuppoſition that he had acted without orders; I therefore believe and admit, as I am bound to do, that all was done to legalize the act which can have been done, and then the act is not an act of the Governor General, but of the Board of Controul; be it an act deſerving praiſe or cenſure, as ſuch I charge the Board of Controul with the war, and all its conſequences.

By this letter it appears beyond all doubt, that antecedent to July 1789, and long antecedent to any pretended acts of hoſtility, a negotiation of the higeſt importance had been entered into between Lord Cornwallis and the Nizam, in a conference with Abul Coſſim, a Vakeel of the Nizam; the firſt ſentence of the letter is the proof; for he ſays, "that he had "received his Highneſs's letter, and underſtood all the mat-"ters intruſted to the verbal communication of Abul Coſ-"ſim," and he ſays, "that he entered into a candid and ex-"plicit converſation with Abul Coſſim, on ſubjects of the "higheſt importance!" Amongſt other poſſibly important points, it appears, that the converſation had turned upon a plan of taking poſſeſſion of Tippoo's dominions, the Carnatic Balla Gaur, under the expired treaty of 1768; by which the parties being then at war, agreed (as was obſerved on the treaty) to conquer that country, and that the poſſeſſion ſhould remain with the Engliſh under certain advantageous ſtipulations for the Nizam and the Mahrattas. The words in this myſterious letter, which beyond all diſpute prove this fact, are the following: "In regard to the articles of the

 "Dewanny,

"Dewanny, of the Carnatic Balla Gaut, your Highness "must be well convinced that circumstances have totally prevented the execution, and the Company are in full enjoyment of peace with all the world; (so that the proposition respected that which could not be performed in "peace,) but should it hereafter happen, that the Company "should obtain possession of the country mentioned in these "articles, with your Highness's assistance they will strictly "perform the stipulations in favour of your Highness and "the Mahrattas, (namely, the stipulations in the treaty of "1768.) Your Highness must be well assured, that while "treaties of peace and friendship exist with any chief negotiations that tend to deprive that chief of any part of his "possessions, unprovoked on his part, naturally must create "suspicions in his mind unfavourable to the reputation of "your Highness and the character of the Company; since "the only grounds on which such negotiations could be "carried on, rest on a treaty existing above 20 years, "(namely, that of 1768) the execution of which is yet unclaimed; and since no provocation has hitherto been given "to justify a breach in the present peaceable and amicable "understanding between each other."

The only observation necessary at present to make upon this part of the letter is, that no doubt can be entertained by any person of the extent and object of this proposal; and that, though it is not openly and avowedly accepted, it was certainly not rejected as a dishonourable proposal, which ought not to be listened to; but it is discussed, as if a decent pretence alone was wanting to its cordial reception: can any one read the words "but should it hereafter happen that the "Company should obtain possession of the country with "your Highnesses's assistance," without being persuaded of the hostile inclinations to this friendly Chief, who is acknowledged to have given no provocation? but having thus gently set aside this proposal for want of "provocation to justify a "breach," your Lordships might naturally expect, that no hostile act would be done against this approved and unimpeached friendship with Tippoo Sultan, at least, in this very letter, which however before its signature quits its epistolary insignificancy, and assumes the dignity, weight, and character of a treaty, a treaty for the extirpation of this very man, to whose unviolated friendship it bears solemn testimony. The orders received from the Board of Controul admitted not the delay which waiting for good ostensible pretences of provocation would occasion, some surer ground must covertly be laid to ensure a rupture; and most effectually indeed is it prepared, and covered only with the coarse veil of clumsy artifice; accordingly, under pretence of explaining

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some grammatical obscurities in the article of 1768, respecting the troops to be supplied to the Nizam when required, a very substantial and very important alteration is made in that clause, equivalent to a declaration of war against Tippoo Sultan, especially when it is recollected, that it was made in answer to a proposal of the Nizam's to invade with joint forces the territories of that Chief.

The words of Lord Cornwallis's letter are, "I agree, "that in the sixth article of the treaty, the words, whenever the situation of affairs will allow of such a body of "troops to march into the Decan, shall be understood to "mean, that the force engaged for by this article shall be "granted, whenever your Highness shall apply for it, making only one exception, that is, that it is not to be employed against any power in alliance with the Company, "viz. Pundit Pundhaun, Madagee Scindia, and other Mahratta Chiefs; Peshwa, Ragojee Boosla, the Nabob of Arcot, Nabob Vizier, and Rajahs of Tanjore and Travancore;" that is, in the most explicit terms, saying, that you may attack with the Company's forces no person but Tippoo Sultan: (for every other power on the confines of the Nizam's dominions, but Tippoo, are excepted;) and him and him alone by this alteration you may attack with the Company's forces, without their express consent, whenever you are disposed so to do. The Nizam's disposition was not very doubtful, and the Company's forces, being thus engaged, a choice of provocations would quickly arise to enable the Company to join with their whole force. I defy the most devoted partizan of Government, armed with the most blind confidence, to shut his understanding to this unequivocal proof, that Tippoo Sultan was at this moment the devoted victim. But Lord Cornwallis plainly avows the motives for this alteration; for he says, in express terms that, he has confined himself to the explanation of the treaty of 1768, because the laws of his country prevented his making a new treaty; that is to say, that by the laws, without express authority, I cannot make a new offensive treaty, but I can produce the same effect under the authority I have received, by an alteration of the clause of 1768; and Lord Cornwallis professes in the letter, that this alteration is made "with a view to a more perfect execution of that treaty; on "this account I have not thought proper to comply with "such requests by Abul Cossim, that in any shape tend to "alter the spirit of that treaty." The spirit and professed object of that treaty was, the conquest of the dominions now belonging to Tippoo Sultan; and, in fact, this alteration reanimates the expired spirit of that treaty, by taking off the muzzle of restraint that curbed the warlike efficacy of the

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ftipulated troops, and at the fame time encouraging their employment in the only way they can be employed, namely, againft Tippoo, by giving frefh affurances, that "fhould "it hereafter happen, that the Company fhould obtain pof-"feffion of the country, (belonging to Tippoo,) with your "Highnefs's affiftance they will perform the ftipulations "in favour of your Highnefs, and the Mahrattas."

Notwithftanding the power now vefted folely in the Nizam to attack Tippoo, according to his wifh, with the forces of the Company, there ftill remained a difficulty to perfuade the cautious prudence and interefted cunning of the Nizam, to act without the authority of an open and avowed treaty; it was therefore neceffary to give weight and authority to this letter, which refpectively refers to, and is both comment and text to the converfation with Abul Coffim, and for this purpofe, Lord Cornwallis fays to the Nizam in this letter, "Your Highnefs will be convinced, from the ex-"planations I have given to thofe articles in the treaty of "ambiguous and obfcure meaning, that I am earneftly de-"firous of the adjuftment of every matter, on grounds fair "and liberal. But it is neceffary, in confideration of the "fubjects of converfation with Meir Abul Coffim, that I "fhould point to your Highnefs, that unlefs juft caufe "fhould be given for entering into new treaties, the laws of "my country, the injunctions of the King and Company of "England, as well as the faith and honour of the Englifh, "prohibit me from entering into any negotiation to make "new treaties (of war, for others he can make), and I "have confined my conferences with Meir Abul Coffim to "the explanation of that made in 1768, with a view to a "more perfect execution of it. On this account, I have not "judged proper to comply with fuch requefts as have been "made by Meir Abul Coffim, that in any fhape tend to al-"ter the fpirit of that treaty. A farther argument to im-"prefs your Highnefs with the propriety of this determina-"tion is, the fanction and fupport of His Majefty and the "Company of England, to thofe meafures that coincide with "their inftructions, (fo that thefe meafures were prefcribed "by their inftructions).

"I have mentioned this circumftance, merely to affure "your Highnefs of the ftrength of my affertions, and the "value of my engagements in regard to the Guntoor Circar, "and the other articles of the treaty; and I truft, that this "clear explanation of the ambiguous article of the treaty "will render it effectual, and will afford your Highnefs a "convincing proof of the Company's determination to ad-"here to the faith of it. Although I have not agreed to "enter into a new treaty with your Highnefs, through Meir

"Abul Cossim, for the reasons above assigned; yet, your "Highness, in consideration of the authority vested in me "by the King and Parliament of England, will consider my "letter, though merely purporting a clear explanation of "the several articles in the treaty of 1768, strong and efficient upon the English Government in India; equally so, "as a treaty in due form could be, since the Members of "the Council have given their cheatful acquiescence to its "contents."

It is necessary to observe upon this part of the letter, that though Lord Cornwallis asserts, that he cannot make a new treaty; he admits, that he can make a new clause for an old treaty, by which he makes it a treaty of new effect; and that it is directly contrary to the act of Parliament, unless he acts under express commands; for it is become a treaty of offensive alliance against Tippoo, whenever it shall please the Nizam, and consequently is illegal; or must have been concluded under the express authority of the Board of Controul, who have probably prescribed this mode of private epistolary treaty, to enable the Nizam ostensibly to commence the war, and prohibited an open avowed treaty in due form, in order to conceal the early steps they took to lay the foundation of the war, and the words above alluded to in the letter, to induce the Nizam to be satisfied with this novel mode of transacting business of this nature, prove this inference to be well founded, and the following words farther confirm it: "Although I have not agreed to enter into a new treaty "with your Highness, yet, your Highness, in consideration of the authority vested in me by the King and Parliament, will consider my letter, though merely purporting "a clear explanation of the several articles in the treaty of "1768, strong and efficient upon the English Government "in India;" this is not the language of one acting with advertence to the operations of the act, nor deficient in those instructions which are necessary to legalize his conduct. The sum of this letter is, that Lord Cornwallis, by the authority vested in him, enters into a treaty with the Nizam, by which he gives new powers to the Nizam to invade, with the Company's forces, the territories of Tippoo Sultan, and no other person; and that he does in answer to a proposition respecting an attack of Tippoo's dominion.

Let any candid man judge, said his Lordship, what must have been Tippoo Sultan's opinion of his own situation, when he heard, as doubtless he found means to do, what had passed between the Nizam, whose character he well knew, and the English Company, whose adherence to treaty he had experienced, when he claimed their assistance under that of 1769, against the Mahrattas. What must he have thought of

of his situation when he recollected that in addition to this prepared hostility on his Northern frontiers, a very suspicious movement had some time before taken place on his Southern frontiers, when, in perfect peace, a body of the Company's troops, contrary to usual custom, and without cause, had marched to Travancore, and been posted in a fort of the Rajah of Travancore, at Parour, in the midst of a country tributary to Tippoo, and on the Southern confines of his dominions? What must he have thought, when he saw the Rajah himself take possession (in force) of two Dutch forts, whose advanced position in Tippoo's territories, made it naturally an object of jealousy to him; if he had received no other cause, he must have been a weak man indeed, if he had not been convinced that it was necessary for him to be on his guard, for that "this opportunity" (according to Lord Cornwallis's letter to General Medows) "was to be "taken to reduce his power."

Thus your Lordships see, that a clear foundation for a rupture with Tippoo Sultan was artfully laid, in a manner that gave some hopes that it might be effected, without carrying along with it open proof of our aggression; power given to his avowed enemy to attack him with the Company's forces, and that power given by a treaty in the disguise, and with the intended privacy of a letter, was deemed an infallible recipe for a war, and a salvo for the credit of the English name: but the Nizam, practised as we have seen him in every political subterfuge, and capable of every deceit, and at the same time not ignorant in the history of our Indian faith, and possessed of its value in this very negotiation, was not so ready as was expected, on the faith of private assurances. and implied offensive alliances, to plunge himself into a war with a formidable enemy, on the sole confidence of a secret epistolary treaty, suspicious by its disguise, and mysterious in its language; the war, therefore, was not found sufficiently certain without an open avowed league, in which the Company must bear its equal share. The treaty therefore of partition between the Company, the Nizam, and the Mahrattas, of Tippoo Sultan's dominions, was planned and determined; and I wave for the moment the consideration of all the trifling pretences of quarrel with Tippoo, which had intervened between the letter of the 7th of July, (for before that date, Lord Cornwallis bears testimony in his epistolary treaty, that no cause of provocation had been given;) and the date of the treaty of partition itself, because the war having been planned and determined on the 7th of July, no such pretence could in truth have been its cause; and if it was even possible to suppose the extraordinary letter of the 7th to have been an innocent, unmeaning letter,

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with no hostile intentions, it would then be unfair to take the motives of the war from public fame, when the treaty, which is the professed declaration of war, is upon your table to speak for itself, and show the true grounds upon which its authors rest their justification; and it is not to be doubted, that, if they had a better pretence for the war than is there to be found, they would have affixed it to the front of the record: worse motives they may have had than there appears; to suspect them of better, is to suspect them of madness and folly. I do not mean to avoid the discussion of any assignable pretence, but to begin with the pretence assigned in the record, as the most regular course; and, as it will serve to disprove the pretences which your Lordship will find, like all other fallacies, are built on such weak ground, that they will sink beneath the pressure of examination: I must therefore desire your attention to the treaties between the Company, the Nizam, and the Mahrattas; and on its first inspection, I cannot help observing a plain disobedience of the Company's orders, in the front of the treaty with the Nizam.

It is negotiated by a military man, Capt Kennaway, a gentleman, no doubt, fit for the employment, except that when General Calliaud had negotiated the treaty of 1766, the Court of Directors observe, that "it is highly displeasing to us, and "contrary to our orders, that a military officer should be "alone employed in negotiations of our commercial or political interests." The next obvious remark, is the same which I before made to the first epistolary treaty, that such a treaty could not be entered into by Lord Cornwallis, without the express authority of the Board of Controul, and consequently it affords another proof, that it is not his act, but that of the Board, for no hostilities are even asserted to have been committed against the English nation, her dependants, or allies, but the very singular word of infidelity (which between nations must refer to an inferior class of complaints) is substituted, conveying to the mind no overt act of hostility, and this word is not used through inaccuracy, but has been chosen after deliberation, as safer in its obscurity and insignificancy, than a clearly unfounded assertion the allegation of hostilities is therefore studiously avoided, for if you read the corresponding clause in the last treaty with the Nizam in 1768, you will find, that in the present treaty it is in part copied, and in part rejected, and the imputation of hostilities is just the part rejected; the commission of hostilities being the only charge against Tippoo which could legalize the war against him upon the face of the treaty, would not have been omitted, when the rest of the clause served as a model, if it could have been used without a manifest violation of truth

The clause of 1768 runs thus: Hyder Naigue "having lately "invaded, with fire and sword, the possessions of the English "Company, and the Nabob Wolau Jau in the Carnatic, it is "certainly necessary for their peace, that the said Naigue "*should be punished* and reduced, so that he may not here-"after have the power to give any person farther trouble:" the words "should be punished" and the substance of the remainder, is adopted in the present treaty, which runs thus: "Tippoo Sultan having engagements with the three contract-"ing parties, has, notwithstanding, acted with *infidelity* to "them all; for which reason, they have united in a league. "that to the utmost of their power *they may punish him, and* "*deprive him of the means of disturbing the general tranquillity* "*in future.*" The act of Parliament would have justified a war, commenced under such acts of hostility as are stated in the former treaty; and it required the existence of similar hostilities to authorize the present treaty, and if it had been possible to have stated any acts of hostility in the present treaty, in compliance with the act, they would have been detailed.

In the third article it is confessed that no hostilities had commenced at the time of the treaty with Tippoo; for the article provides for the commencement of such hostilities thus, that "this undertaking being resolved on, it is agreed, that "on Captain Kennaway's annunciation to the Nabob of the "actual commencement of hostilities between the Company's "forces and the said Tippoo, &c. &c" And it must be observed, that our allies are out of the question upon the face of the treaty, for there is no pretence even of an infidelity to our allies, nor is the interest of any one ally hinted at in the whole treaty; the Nabob of Arcot and the Rajah of Travancore have as little to do with this treaty, as with our negotiations with Russia; they are not mentioned; their existence is not supposed, much less are their injuries, their benefits, or their protection provided for; whatever may be the infidelities which Tippoo has committed towards the three contracting parties, and however well they may be provided against, the complaints of none but the contracting parties are heard of, nor any division of the spoil assigned for the indemnity or satisfaction of others: these unknown infidelities deserve, it seems, the deepest resentment, and punishment to the utmost of the powers of the three contracting parties; though Lord Cornwallis, in his letter of the 9th of September, considers resentment in Tippoo of an injury, which he then thinks it probable that he had received, as inexcusable: resentment is only permitted to the India Company, and that without bounds; but then it is found commercial productive resentment, which justifies the conquest of rich dominions, and for an injury done to our ally, enables us to put the fruits of our resentment in our own pockets.

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My Lords, I have endeavoured to prove to your Lordships, and trust that I have not failed, that it has been the uniform policy of the Directors, and of the legislature, to avoid wars of conquest in India, and to confine the Company to the limits of their present territories, and to the management of their commercial interests; and to prevent any connections with the native Princes or States, which might embroil us in their domestic quarrels, and particularly to disapprove of the present political arrangement with the Mahrattas against the Chief of Mysore. I have likewise proved, that in point of fact, we are not engaged by any treaty (except that with the Nabob of Arcot, and Rajah of Tanjour) to the defence of the territories of any Prince or State, in the Peninsula of India; notwithstanding which, I have endeavoured to show, that Lord Cornwallis's letter of the 7th of July, is a treaty, planning the conquest of Tippoo Sultan's dominions with the Nizam, and that such act was unprovoked on his part; that the said plan of conquest was formed at home by the Board of Controul; that the subsequent treaties with the Nizam and the Mahrattas, are continuations of such plan, and do not even pretend any acts of hostility committed by Tippoo against the Company or their allies, as the motives of the war.

Here then I might rest with full confidence that I had proved my assertions, and that I should not hear any answer capable of unhinging the proofs I have adduced; but, as I am persuaded, that whoever undertakes the defence of this measure, must meet me with evasions and ungrounded pretences of war; and as the pretences which have been first rejected, and then adopted by Lord Cornwallis, and afterwards rejected by the treaty, may probably be again resumed, I will endeavour to show to your Lordships that they are totally void of foundation, and untenable in every light in which they can be considered. In doing this, I do not mean to quit the firm ground I stand upon, that the war was planned and determined before the pretences existed; but I will readily meet the question, whether the war could have been justifiably grounded upon the attack of the lines of Travancore? In that case, our attachment to the faith of treaties, and our invincible fidelity to our allies, is supposed to have drawn us necessarily, though unwillingly, into the war, as allies of the Rajah of Travancore, whose dominions had without provocation been attacked by Tippoo Sultan. From the documents upon your table, I venture to assert, and doubt not clearly to prove, that not a single part of the ground upon which this defence of the war stands, is tenable: I shall therefore proceed to show, that the Rajah of Travancore is, in no sense of the word, our ally; 2dly, that if he had been our ally, so far from having been attacked without provocation, he was

clearly and beyond doubt the aggressor; 3dly, that if he had been our ally, and not the aggressor in the transaction of the forts and lines, he had, in Lord Cornwallis's decided and unaltered opinion, forfeited all claim to the protection of the Company, if he had ever been entitled to it; and, 4thly, that if he was our injured ally, with an unimpeached claim to our protection, we have not in the treaties for the war, said to be entered into for his protection, secured him either protection or indemnity, or in any way attended to his interest; and lastly, that the pretence is so totally groundless, that it fails in the very principle upon which it is founded; for so far from being urged into this war by the sacred and inviolable attachment to the good faith of our engagements, we have trampled upon the most solemn ties of alliance, friendship, and trust, in order to procure resources to carry on this war, which is justifiable upon none of these grounds.

The Rajah of Travancore is not an ally in any sense of the word, certainly in no sense that binds us in obligations of mutual defence; that we have no treaty with him is admitted, therefore there can be no mutual obligations. But it is asserted, that he was included as an ally, in the treaty of peace concluded at Mangalore, in 1784: he was certainly (as an ally of the war) comprehended in the peace which concluded it; but, if he was not our ally by some treaty before, or since the war, that treaty of peace between the Company and Tippoo Sultan, could not have made him our ally, or given him any claims as such. He was not even a contracting party, and therefore, neither could have received nor given any pledge of alliance. We, as principals in the war, procured for him peace, but we contracted no farther; and so much is this the doctrine of treaties in India, as well as in Europe, that, in the treaty of 1769, with Hyder, the Rajah of Travancore was equally by name included as an ally of the war, to a participation of the peace which terminated it; but when in the second article of that treaty we proceeded to offensive stipulations, the contracting parties were alone comprehended, and not the allies; and the Directors complained, (in the letter before alluded to) of this deviation from their orders. "We cannot but consider the defensive alliance with "Hyder, as a source of infinite evil, and we hope that no "temporary consideration will in any future time induce our "servants to embarrass us with claims, the fulfilling of "which may tend to wound our commercial interests, &c." The Directors certainly never suspected that the defensive article with Tippoo was not the only article which embarrassed them with claims, they never suspected that they in fact, by the present doctrine, guaranteed for ever the possessions of every Prince, whose name was inserted in that treaty of peace

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as their ally; and that they did so without being intitled to any thing in return: for the allies not being contracting parties, had not acknowledged the contracting parties as their allies, and entitled them to all the privileges of that appellation, whatever they may be.

The claim of allies, under the treaty of Mangalore, if possible, is less than that in 1769; because the negotiators of the treaty of 1784, acting in obedience to the injunctions of the Directors, and of the legislature, and remembering the complaint made by the Directors, in 1769, just cited, cannot be supposed to have intended to convey any claims of the embarrassing nature above stated; and you have but to read the treaty of 1784, to be persuaded that it contains in fact no defensive article, or engagement whatever. But the allies of the war, as before, are included in the peace; it is impossible to guaranty the continuance of peace; peace is too volatile to be bound in chains; it is of too subtile a nature to be ensured by force of arms; it is destroyed by the very attempt so to preserve it. The loss occasioned by the infraction of peace, can alone be the object of guaranty; such a clause of guaranty may be inserted in a treaty, but it is not of the essence of a treaty of peace; otherwise all the nations of the world who have been once at war, would be bound in a perpetual guaranty of each other's possessions. All this appears to me to be obvious to plain and unlettered sense; but let us hear how the learned writers on the law of nations explain the engagements to an ally, included in a treaty of peace. Vatell, Book IV. Chap. II. Page 119, says, " The " principal party in whose name the war was made, cannot " justly make a peace exclusively of his allies; by compre- " hending them in his treaty, all he can require of his re- " conciled enemy is, not to attack his allies on account of " the succours they furnished against him; not to molest " them, but to live in peace with them, as if nothing had " happened." In page 121, he says, " The effect of the " treaty of peace is to put an end to the war, and to abolish " the subject of it; it leaves the contracting parties without " any rights of committing hostilities, either for the very " subject which kindled the war, or for what has passed in " the course of it; it is therefore no longer permitted to take " up arms for the same cause: accordingly, in these trea- " ties, the parties reciprocally oblige themselves to a perpe- " tual peace, which is not to be understood as if the con- " tracting parties promised never to make war on each other " for any cause whatever. Peace relates to the war which " it terminates, and as it forbids the several parties of the " same war taking arms for the cause which at first kindled " it, is in reality perpetual peace on that subject; claims

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" founded on a debt, or an injury prior to the war, but " which made no part of the reasons for undertaking it, " remain entire, and are not abolished by the treaty."— Page 128, " It is of great importance that a new war should " be distinguished from the breach of a treaty of peace, the " rights acquired by such treaty still subsisting, notwith- " standing the new war: whereas, they are annulled by the " breach of the treaty on which it is founded."

It appears clearly by these references, said his Lordship, that there is not the smallest ground for supposing, that an ally included in a treaty of peace could be entitled as such, to a guaranty of his property; even if it was not obvious, that the policy of the Company prohibited in this case the supposition, that such construction was on their part intended; and the Rajah of Travancore on his part can have no claim in natural justice to such construction, for he is not a contracting party, and is bound to nothing; but he is still less entitled to it in the character of an ally of the Dutch: he himself confesses in his letter to Mr. Hollond, the 2d of July, 1789, that he and the Dutch are bound to assist each other mutually in case of being engaged in warfare, and the President informs Mr. Hollond, on the 26th of June, 1788, that an offensive and defensive treaty had long subsisted between the Rajah and the Dutch. The Rajah of Travancore therefore, being under no engagements by treaty to our defence, is bound under this offensive and defensive alliance with the Dutch, to attack us whenever we shall be at variance with his contracted allies, the Dutch; but if it was possible for ignorance, in spite of authorities, in spite of reason, to suppose, that we were bound to defend him, who is in no case bound to defend us, and in some cases engaged to the Dutch to attack us, yet it would pass the bounds of ignorance to suppose, that the specific case in which such claim could arise, was in a difficulty incurred by a dispute sold to him by his allies the Dutch, together with two forts; can there be any assignable reason why we should voluntarily take upon us the defence of a Prince, whose territories the Dutch, by subsisting treaties, are bound to defend, and particularly those in question, where the sale itself implies a guaranty from the Dutch, if none had previously existed? When we are by no treaty, nor by any technical construction of the word ally, bound to such defence, and more particularly when the purchase is acknowledged to have been made for the collusive purpose of making us engage in the defence of Dutch forts; for the Rajah, in his letter to Mr. Hollond, of the 3d of September, 1789, confesses that one of his motives for the purchase of the forts from the Dutch, " lest the English troops at Paraour should

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"excuse themselves from lending assistance and acting in "concert with me, on account of their being dependant on "the Dutch; my friend would also imagine, that for the "sake of defending the confines of others, I had drawn this "trouble on myself." It appears therefore manifest, that the Rajah of Travancore is not an ally of the English entitled to defence, that he is the ally of the Dutch, whose duty and whose subsisting interest it is, (from the situation of Cochin) to defend him; and yet such is the strange and unjustifiable conduct of the Board of Controul, that having no alliance with the Rajah of Travancore, they assert themselves to be bound by honourable engagements to defend him in all emergencies, and to support him with the whole force of the Company's arms and revenues, in maintaining such acquisitions as he may think prudent to add to the strength of his country: and having a treaty of alliance in 1769, and another treaty of amity in 1784, with the Chief of Mysore, they will not suffer him even to defend himself against the increasing power of his neighbour in the heart of a country dependant upon him; and yet this same government, with the shameless inconsistency that belongs to them, are at the same moment involving the country in another war, to prevent the growth of the Russian power, by the acquisition of an unimportant fort on the banks of the Nieper. Here again I might close my proof, for if he is not our ally, it is immaterial who was the aggressor; but if he was admitted to be an ally, intitled to defence, as such, he would lose that claim, if he proved to be the aggressor; and I feel no difficulty in asserting, that there is the clearest proof on your table, that he, and not Tippoo Sultan, was the aggressor, whether you consider it on the ground of defence, or purchase of the forts; or waving the question of the forts, as if it had not taken place, you consider the affair of the lines as detached from them, and standing upon its own merits.

After Tippoo Sultan had commenced hostilities against the Dutch, and had summoned the fort of Cranganore, then in possession of the Dutch, the Rajah marched troops to the defence of the Dutch, and manned the forts with his troops, as appears by the Rajah's letter of the 14th of June, 1789, and the Resident's letter of 19th of October, 1789. This act of interference, as an ally of the Dutch, exposes him in that character to the consequences of just war, without any imputation on Tippoo Sultan as being the aggressor, unless it is contended that an ally may strike a blow without exposing himself to a return of hostility: this act of the Rajah would have justified Tippoo Sultan, if he had in consequence of it invaded the Travancore country: but the Rajah did

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not content himself with remaining an ally of the Dutch, he purchased the war with the disputed forts from the Dutch, and made himself a principal instead of an ally. The purchase of forts on the frontiers of any power, must naturally give him umbrage, and by the law of nations would justify his resistance to that change of relative situation, which Lord Cornwallis, in his letter of the 13th of November, admits this purchase to have produced, and to be on that account, justly offensive to Tippoo Sultan; this offence Lord Cornwallis admits still to remain on the 13th of November, after he began to view the transaction in the most favourable light for the Rajah, and to qualify the decided censure he had pronounced against him on the 29th of September; but if just cause of offence remained, be it ever so small, in what way is it to be settled between sovereign powers, but by force, or by the very mode of reparation repeatedly urged, and urged in vain by Tippoo, namely, that things should be restored to their former inoffensive state, in his own words "that the forts should be restored to "the Dutch, for what is unusual is improper." Lord Cornwallis when in his letter of the 13th of November, speaks most favourably of the Rajah of Travancore, respecting the affair of the forts, seems to have forgot the grounds of the dispute, (though he at the same time admits, that the purchase produced an offensive change in the relative situation of the two powers), for he gives us a ground for his more favourable opinion, that if the Dutch held the forts independent of the Rajah of Cochin, or of Tippoo, that they had an undoubted right to sell to whom they pleased, and that Tippoo could not, in that case, justly claim the possession or allegiance of these places; certainly that argument would have had some weight, if the object in dispute had been the right of possession, as between Tippoo and the Rajah, or the right of allegiance; but neither of these is the case; for whatever claim to the allegiance of the forts Tippoo maintains, he does not demand it of the Rajah, but he insists with the natural jealousy of a neighbouring Prince, not that the forts should be given up to him, or allegiance rendered to him by the Rajah, but that they be restored to the Dutch, to be held as they were held before; because every thing which is unusual is improper. If ever there was an honourable or a just cause of war, besides that of defence, it is in order to prevent a change of the relative situation of a rival power, which endangers your relative security; it is in fact a war of remote defence, and justifiable on the same principles; neither the spirit of ambition, of avarice or resentment, can dictate the peaceable desire of preserving things as they are, or restoring them to the usual state

from

from whence they had just departed; that this jealousy of Tippoo Sultan was foreseen, and his conduct thereon expected, is apparent from the Rajah of Travancore's letters to the government of Madras, before the dispute arose; and the conduct of Tippoo is justified not only by that expectation, and by the Governor General's opinion in his letter of the 29th of September, and the observation just alluded to in his letter of the 15th of November, but also by the opinion of Mr. Hollond in his letter to the Governor General of the 30th of January, 1790; wherein he says, that "it might naturally be supposed that the purchase of Cranganore and "Jacottah would give umbrage to Tippoo; that whatever "might be the tenure by which the Dutch held these "places, it was contrary to the law of nations to dispose of "them at their option, to the aggrandizement of a neighbouring power."

The Rajah of Travancore, therefore, if he had been our ally, appears clearly to have been the aggressor, in either point of view; by interfering, as an ally of the Dutch, in the defence of the forts, or as a purchaser of the forts from the Dutch, and thereby offensively altering the relative situation between himself and Tippoo. Before I proceed to the next head, I must beg leave to make a few observations on the independant possession of the forts by the Dutch, as Lord Cornwallis appears, in his letter of the 15th of November, to consider that point as material to his judgement. I confess, that I do not think, even according to his own statement, it ought to influence his judgement; much less do I think on an accurate statement, it can in the least affect the merits of the question, which does not respect the rights of the Dutch, but the justifiable jealousy on the transfer. It by no means however appears, that the Dutch had an independant possession; they themselves admit, that they had paid rent for some lands connected with the forts, though not (as they say) for the forts. The Governor of Madras, and Mr. Taylor, in their letter of the 17th of February, 1790, however, do not appear to give them implicit credit; and Tippoo Sultan, who is at least in this point as good a witness as the Dutch, asserts the contrary; but it appears inconteſtibly by Mr. Powney's letter, of the 17th of August, 1789, before the purchase of the forts, that they were then understood in the country to be held by the Dutch, of the Rajah of Cochin, a tributary to Tippoo Sultan, as sovereign of Calicut. Tippoo, in his letter, Nov. 1, 1789, asserts, that the forts were rented of the Aumildars of Calicut, of which he is sovereign, and he is justified in this fact by the general history of the Indies; where it appears, that when Vasquez de Gama, in 1498, landed at Calicut, he found

found it to be the capital of a powerful empire, whose sovereign had the title of Zamorin: That this empire extended over all Malabar; Capral, who commanded the second expedition from Portugal, failed from Calicut to Cochin, thirty leagues to the south, which is there stated to be the capital of a small kingdom, which bears the same name, tributary to the Zamorin of Calicut: Cranganore is also stated to be the capital of a small kingdom, likewise tributary to the Zamorin. It does not appear by what means the Portuguese obtained the fort; but it does appear, that it was taken from them by the Dutch, on the 15th of January, 1762, and that they obtained the confirmation of the possession from the Zamorin of Calicut. The general history, therefore, gives great colour of truth to the assertion and claim of Tippoo, as sovereign of Calicut, in possession of all the country round, and acknowledged sovereign of the Rajah of Cochin. The Dutch cannot by conquest have acquired any right, but such as the Portuguese held; and the Dutch admitted, at the period I have alluded to, that conquest did not transfer to them a perfect right, without the consent and confirmation of the superior paramount sovereign, by applying to the predecessors of Tippoo, the Zamorin of Calicut, for confirmation; they therefore held a property not alienable, without the consent of Tippoo, sovereign of Calicut, if the general history of India is to be credited: they held it dependant on Tippoo, as paramount to Cochin, if the present opinion of the country, uttered in Mr. Powney's letter, is to be credited; and some of the transferred land is clearly dependant on Tippoo, according to the Dutch statement. The independance therefore of the Dutch is so far from being a clear point that the reverse is most probably the truth. Having, as I apprehend, clearly proved, that whether the Dutch held the forts dependantly or independantly, the Rajah of Travancore was the aggressor, both by the defence of the forts as an ally and by the purchase, and therefore justified any attack Tippoo might make upon him. I will now proceed to show that independant of the affair of the forts, the Rajah was not justifiable in intercepting, by force, the passage of Tippoo Sultan through the lines. Much stress is laid by the Rajah of Travancore on his possession of these lines, before the Rajah of Cochin paid tribute to Tippoo Sultan; and he states this possession to be twenty-five years, his letter being dated the 24th of December, 1789. It appears from Rajah Gee's letter, that the Rajah of Cochin had paid tribute and acknowledged the sovereignty of Hyder, (Tippoo's father) from the year 1766, which is twenty four years from the same date, from whence the twenty-five years is

computed

computed: if he had obtained the pretended grant from the Rajah of Cochin ſince Tippoo's acceſſion, he admits that the want of his conſent would have vitiated the grant; he is totally ſilent upon the conſent of the former ſovereign of Calicut, paramount of Cochin, at the time of the ſuppoſed grant, the want of whoſe conſent would equally have vitiated ſuch grant. The documents on the table enable me to prove, that he never could have had that eſſential conſent; for it appears by his own letter, of the 24th of December, 1789, that he had given aſſiſtance to the Rajah of Cochin, againſt the Rajah of Calicut, his ſovereign, and for that aſſiſtance received the ground on which he built the lines; this act of hoſtility, and the grant, were of the ſame date, and the year only before Tippoo's acceſſion: our credulity can ſcarce go the length of crediting, (and the Rajah does not even aſſert it) that the paramount of Cochin aſſiſted his vaſſal, the Rajah of Cochin, to reward the Rajah of Travancore, for hoſtile acts done againſt himſelf, pending the hoſtilities which ended with Hyder's conqueſt of the country. The grant then from the Rajah of Cochin is null and void, for want of the eſſential conſent of the paramount to the transfer; but in fact, it does not appear that the grant was ever made, and it as probable that the Rajah of Travancore avails himſelf of ſome other grants with which he endeavours to cover the poſſeſſion of the ground on which the lines are erected; for his own ſtatement of the grant, (which it does not appear that he has produced) and the deſcription of the lines, do not accord. The Rajah, in his letter to the government of Madras, on the 24th of December, 1789, ſays, "the Rajah of Cochin "made over to me, in perpetuity, two ſmall diſtricts of "country, for the purpoſe of building a fort; theſe circum-"ſtances are ſtrictly thus, and it is now full twenty-five "years ſince the wall of this fort was built on that ground." This is the explanation he gives of theſe lines, which appear, (by Mr. Powney, the Reſident's letter) to be a continued wall, twenty miles in length. It would puzzle an European engineer to erect ſuch a wall or fort on two ſmall diſtricts; not to comment on the word ſmall, which is difficult to reconcile with the extent of the building erected; yet beyond all doubt, two diſtricts, in the country of Cochin where he had no other poſſeſſions, imply an interval, and are not well adapted to contain one continued wall of twenty miles in length.

It appears by Mr. Hollond's letter, that part of the land only on which the lines were built was given to the Rajah of Travancore, before the Rajah of Cochin paid tribute to Tippoo; ſo that I may venture to conclude, that the ground

was not granted by the Rajah of Cochin in the manner affirmed, and that if it was so granted the Rajah of Cochin had no more right to make such alienation to the prejudice of his paramount sovereign before, than after Tippoo's accession; but it will likewise appear upon further examination, that if the Rajah of Cochin did grant, as is affirmed, and that the paramount sovereign of the time did assent to the transfer, as is not affirmed, that he could not under that grant have any right to intercept Tippoo Sultan's passage from one part of his own dominions to the other by virtue of that grant; it appears by the Resident's letter of 9th of March, 1790, that the lines intersected the Rajah of Cochin's territory, and that a great part of the Cochin territory lays within the lines; and in his letter of the 17th of February, 1790, he says, that "the Rajah of Travancore having "assisted the Rajah of Cochin against his sovereign, the "Zamorin of Calicut, 25 years ago, the Rajah of Cochin "made over some districts, amongst which Parour was "one, and as the possessions of the Rajah of Travancore "and Cochin were so blended together, and the conquest "of one proves inevitably that of the other, it would ap- "pear that the Cochin Rajah, in making over to the Tra- "vancore Rajah, that part of the country on which the "lines stand, had in view his own security." If the Resident had not been of that opinion after the best information he could collect on the spot, the case is so circumstanced, that it would be impossible to suppose that the grant of the lines could have been made without many limitations and exceptions, or made for any other purpose than their joint advantage: is it possible to imagine that the Rajah of Cochin would have granted a narrow strip of land to an independant prince (however their interests at that moment accorded) intersecting his own dominions in their whole extent from east to west? would he as long as he retained his senses have put it in the power of such prince, in any future time, to cut off all communication between the southern and northern division of his territories; to have prevented, at his pleasure, the passage of the Rajah of Cochin himself, from one part of his dominions to the other? but if he had been capable of this extremity of folly, he could not have alienated the right of his paramount sovereign to pass without interruption through all his subordinate dominions. Admitting even that the Rajah of Cochin had granted the lands as stated, and reserved no right of passage expressly in the deed of gift, yet in its own nature it is implied; and if it was possible that any person should hesitate a moment in admitting the implied reservation of passage from one part of the grantor's dominions to the other, it would be equally fatal to

to the claim of the Rajah of Travancore; who could not get at these lines, without an implied passage from Travancore to the lines, through the southern district of Cochin; and he could have no more right to go through that part of Cochin, to get at the lines, than the Rajah of Cochin, or his paramount sovereign, Tippoo Sultan, to go through the lines to get at their dominions, south of those lines; indeed, it is scarce possible that any person who has given the smallest consideration to the position of these lines, should doubt, but that the lines were originally only intended and calculated to answer the end of the operations which the two parties were then engaged in; for it is difficult to imagine, how lines so situated, could ever be deemed by the Rajah of Travancore a defence of Travancore, unless he supposed the southern district of Cochin united under his dominion: as long as that part of Cochin was independant of him, and was dependant on the Chief of Mysore, or of Calicut, he had no enemy against whom to oppose the lines, but such as were likewise within the lines; he could not man the lines without his consent; and if manned, the lines are by their position perpetually invested, having an enemy on every side; and are in fact under those circumstances perfectly untenable. The lines can never answer any purpose to the Rajah of Travancore, except when he defends the Rajah of Cochin against his sovereign, which was the situation of affairs that gave birth to the lines, and is that which now makes the lines an object to him, and enabled him now to make use of them; his ultimate ambition being probably to add the southern districts of Cochin to Travancore, and bring his dominions up to the lines.

Having, as I trust, proved that the Rajah never had, nor could have had such a grant justifying his interrupting Tippoo by force, from passing into any part of his own dominions, to punish his rebellious riots, and that by such resistance he was the aggressor, independant of the affair of the forts; that if you take his conduct in the transaction of the forts likewise, into consideration, he was still the aggressor, both by his interference as an ally of the Dutch, and by his subsequent purchase, which altered his relative situation with respect to Tippoo, by increasing his force in the heart of a country dependant upon Tippoo; I trust that I have likewise proved that he is not an ally of the Company, entitled to defence, even if he had not been the aggressor; I will now endeavour to show that the Rajah of Travancore has done all those acts, which, in Lord Cornwallis's judgement, would induce a forfeiture of the Company's protection. Lord Cornwallis in his letter of the 29th of September, 1789,

1789, says, that "if the Rajah of Travancore makes any "new connections with the Dutch, or the Rajah of Cochin, "it will justly be deemed an infraction of the treaty; and "in particular if he interfered in any manner whatever in "the disputes between Tippoo and the Rajah of Cochin, "who is his acknowledged tributary, he will justly draw "Tippoo's resentment upon himself, and at the same time "forfeit all right to the Company's friendship or interference in his favour." The sentence is solemnly pronounced by Lord Cornwallis, it remains only for me to prove beyond doubt, that he is guilty of both these facts, and the penalty of the judgement must attach. He had been guilty of an infraction of the treaty, (namely of Mangalore), by entering into new engagements with the Dutch since that treaty; the Rajah admits that he has a treaty now with the Dutch; and the Resident, in his letter of the 26th of June, 1789, says, he saw the Governor of Cochin's letter, claiming the Rajah's assistance for the forts under the treaty between them: I have only to prove that this treaty is made since the treaty of Mangalore; for Lord Cornwallis says, that any new engagement would be an infraction of that treaty. The Rajah was at war with the Dutch, in the year 1780, being united in a league with us against the Dutch, which continued until the peace of Mangalore; therefore whatever amicable engagements subsist between him and the Dutch, must have had their origin since that treaty, and he has acted under those new engagements by manning the Dutch forts against Tippoo: he has therefore been guilty of an infraction of the treaty of Mangalore, and falls under Lord Cornwallis's sentence. It likewise appears clearly, that he has had connections with the Rajah of Cochin, and interfered in the disputes between the Rajah of Cochin and Tippoo; by Mr. Powney's letter, of the 1st of July, 1789, where the Minister of the Rajah of Cochin residing in Tippoo Sultan's Court, is stated as holding the correspondence of a spy with the Rajah of Travancore, considering him as having common interests with the Rajah of Cochin. It appears also, by Mr. Powney's letter of the 3d of July, 1789, that a subidar, in the Rajah of Cochin's service, and having a command in Tippoo Sultan's army, had deserted from Tippoo, and was received by the Rajah of Travancore, (long before any hostilities between him and Tippoo), and his intelligence (hostile to Tippoo) is relied upon by the Rajah of Travancore, on account of his long service and attachment to the Rajah of Cochin, which is considered as a proof of equal attachment to himself; and it appears by Mr. Powney's letter, June 20th, 1789, that the Rajah of Travancore held direct correspondence with the Rajah

Rajah of Cochin himself, to the prejudice of Tippoo, and hostile to his interests. The Rajah of Travancore, therefore, (whatever claim Lord Cornwallis might think he otherwise had to the Company's protection), has, according to Lord Cornwallis's opinion, forfeited that protection, and deservedly incurred Tippoo Sultan's resentment. I think it almost wasting your Lordships' time to continue adducing further proof of what must already appear so manifest; but it is obvious to the slightest observation, that this affair of the lines is not only a frivolous pretence, destitute of the least colour, but that, in fact, they have not acted upon it. Let any person, persuaded that we are now engaged in a war to protect the territories of the Rajah of Travancore, as our ally, and to resent the wanton injuries done to him, read the denunciation of war against Tippoo, in the treaties with the Nizam and Mahrattas, and then say that he has not been deceived in crediting the affair of the lines to have been the ground of the war. The Rajah of Travancore, whose injuries are supposed to have provoked the war, is not even a contracting party in the league: neither his name, his injuries, nor his interests, are recited, or in the most distant manner alluded to, in the treaty professing to punish Tippoo Sultan (as you are desired to believe) for the wanton attack of the property of the Rajah of Travancore. No cause of complaint is stated in this denunciation of vengeance against Tippoo, which can be tortured to imply the attack of our ally the Rajah of Travancore. The word ally is not even to be found in the treaty, no more than his name. No protection for the Rajah of Travancore is stipulated: his troops are engaged, and his dominions exposed to the hostilities and resentment of Tippoo Sultan, without any provision for their restitution. The result of the war may be loss on the side of Travancore, and conquest on the side of Mysore. Our engagements with the Nizam and the Mahrattas, disable us from doing justice to the Rajah, by purchasing Travancore with the cession of the conquests in Mysore. The Rajah of Travancore's losses or risk are unprovided for, and not indemnified by a participation of the spoils. The league of war against Tippoo, therefore, in the strongest manner denies that the injuries done to the Rajah of Travancore is the cause of the war. The Nizam and the Mahrattas give a flat denial to the assertion, and cannot, in justice to themselves, or ever will, agree either to point the war to his defence, as its chief object, or to a peace that weighs his interest, security, and indemnity: they must consider him as much a stranger to the treaties of partition which they have just engaged in, as our ally, the King of Prussia.

I shall

I shall now proceed, said his Lordship, to the last point upon which I mean to trouble your Lordships, which is the principle upon which all this frivolous pretence rests, namely, our inviolable attachment to the faith of treaties, and the sacred regard and firm adherence to our engagements; and I confess that it appears to me, that a greater insult to our understandings, than the production of this principle in support of the measure adopted, cannot be imagined. The war has scarce been proclaimed, before our most antient friend and ally, the Nabob of Arcot, has been called upon (contrary to the acknowledged sense, and in breach of the faith of the treaty concluded with him, February 24, 1787, by Sir Archibald Campbell) to supply four fifths of his whole revenue, though, by the treaty, that contribution does not take place, except in the event of the war breaking out in the Carnatic, or on the coast of Coromandel, which has not happened, unless the blind adherents to Government are ready to decide, that Travancore is the Carnatic, and the western coast of Malabar is the eastern coast of Coromandel. The same objection holds if the war is, as I assert, a war of mere conquest, and not breaking out on the coast of Malabar. The 9th article of the treaty with the Nabob equally forbids the application of his revenues to any war not breaking out as above stated, and "for the common safety and interest of the "Company and Nabob, and their Allies in the Carnatic "and the coast of Coromandel;" and it is particularly stipulated, by the 15th article of the treaty with the Nabob, that, whenever his interest shall be in the least concerned in any treaty, his name shall be inserted in such treaty. It is manifest, beyond all contradiction, that the war, in no view of it, broke out in the Carnatic, nor on the coast of Coromandel, and that it is not even pretended that it is for his interest any where; for neither his name, nor his interest, is mentioned or alluded to; nor is any division of the spoils stipulated for him (who is called upon to pay the expence) in the treaties with the Nizam and Mahrattas, which, by the 15th article of Sir Archibald Campbell's treaty, must have been done, if his interest had been concerned. But it must be observed, that if they had, without his consent, made him a party in this treaty, it would have been equally a breach of faith to him, and breach of trust; for the contributions for war stipulated by Sir Archibald Campbell's treaty, are limited to the defence of their joint safety and interests in the Carnatic, on the coast of Coromandel, and the Northern Circars, and no where else. The Company, therefore, have unjustly required four-fifths of the revenues of Arcot, to waste it on their own ambitious projects, in which the Nabob has not the shadow of an interest: and they have not con-

fined

fined themselves to an unjust requisition, nor have they waited for the failure in the payment of the four-fifths, which they were bound to do, even if the demand had been just. Before the first kist becomes due, according to their own estimate of the operation of the treaty, they judge it not prudent to wait for such failure; and even then, instead of being contented with anticipating the failure, and having recourse to the remedy stipulated by the treaty for such an event, they decide that the treaty itself was a bad one, and embarrassed and controuled their proceedings too much, and that, consistent with the interests of the Company, it would be impolitic to be constrained by it; and therefore, in open and acknowledged violation of the treaty, they break every stipulation for the interest of the Nabob, and the preservation of his sovereignty, honour, and dignity; and exact, with the utmost rigour, all clauses beneficial to the interest of the Company; and for that purpose forcibly, and without colour of pretence, seize his country and revenues into their hands, in order to raise a revenue which they had no pretence to demand, or right to exact, and in a mode which no circumstances of war, or failure of due payment, could justify under the treaty.

I am sure that no man who hears me, can credit the facts I have asserted; and I hurry to the proof, in order to demonstrate that my indignation has not obscured my judgement, that it is not a disputable deduction from a train of inferences which I have given, but that it is openly and boldly avowed to be a breach of treaty; and I concur with those who avow it, that if they are involved in a war without the means of carrying it on, self-defence must urge them to steps which it is more generous and honest to avow and pursue, being necessary, than to endeavour, by subtilty and hypocrisy, to palliate and excuse. But all this melancholy necessity falls heavily on those who planned the war. The facts I have alluded to are proved, beyond a doubt, by a few passages from documents on your table.

Extract of a letter from Fort St. George, dated 16th Sept. 1790.

" We proceed to remark on the insufficiency of the stipu-
" lations, provided in Sir Archibald Campbell's treaty, to
" secure the regular receipt of four-fifths of the Nabob's re-
" venue, agreed to be paid into the Company's treasury in
" case of a war. We pointed to his Lordship the impolicy
" of depending for our principal resources, at a time when
" the greatest exertions were necessary, upon the operations
" and management of the Nabob's Government. We did
" not hesitate to declare it as our unqualified opinion, that

"the Government ought, during the war, to take the Na-"
"bob's country under their own management, and affording"
"the only means by which the resources to be desired from it"
"could be realized.

"If your Lordship, in Council, judges proper finally to "decide, that we must adhere to the treaty, we shall do our "best to render it efficient, although our opinion of it can- "not authorize expectation of a favourable issue.

"The Nabob positively refuses to assign over his coun- "tries; and his Highness proposed, if we would assure him "no steps should be taken which should cause any change in "his Government, he would stretch his credit to the high- "est pitch, in order to give us satisfaction. We acquainted "him with the disagreeable alternative to which his conduct "has reduced us, namely, to assume the management of his "country without his consent. In reply to this notifica- "tion, his Highness thought proper to repeat his accusations, "in the most pointed terms of this Board having acted vio- "lently and precipitately, and having misrepresented the "state of affairs, and directing, "that, in case the Compa- "ny's people should attempt, in violation of the treaty, to "interfere in dismissing or removing his public officers, or "otherwise subverting the rights of his Government, they "should not submit to the agents sent by the Board." The Nabob, in a letter of the 18th of March preceding, 1790, to Major General Medows, says, "I do not see under what "idea of necessity my friends should at this time incline to a "war, which must cause a most enormous expence. No "doubt that this has been determined upon after the greatest "consideration and deliberation, and with every attention to "our future welfare and protection, as the consequences of "war to my country and the inhabitants, which have not "yet recovered from the distresses of the last war, must be "much distress. I therefore hope that this will not be pro- "longed; and as a very great share of the expence will fall "on my shoulders, I trust that you will admit me to a par- "ticipation of whatever advantages, by the favour of the Al- "mighty, may accrue therefrom, in an equal proportion."

Extract of a political letter, fol. 22.

"We adverted to the following extract from the orders "of the Supreme Government, under date of the 21st of "June:—We need not conceal from you that the resources "of Bengal, exhausted as they are, by drains of various "kinds, during a long series of successive years, could now, "even, with the aid of the utmost punctuality in his High- "ness's payments, either *according to the terms of the treaty* "concluded with Sir Archibald Campbell; or those of the "pro-

"propositions made to him by the Court of Directors, to "which he has lately acceded, long support such expences "as those with which the present war must unavoidably be "attended, without being reduced to great extremity of "distress. Therefore, we think it our indispensable duty to "authorize and direct you to take effectual measures, in as "delicate a manner as may be possible, to put the Company "into immediate possession of the management of his Highness's revenue and country."

I need not make any other comment, continued the noble Lord, upon this miserable consequence of a war, professedly entered into under pretence of good faith; but that, if we owed any attention to the interests of the Rajah of Travancore, because we had once called him our ally, it ought not to have been paid at such an expence of good faith, of gratitude, and justice, due to our friend and ally by treaty, the Nabob of Arcot. It is not, however, this faithful ally alone, who has reason to complain of the breach of treaty, misapplication of his revenues, and neglect of his interests; the India Proprietors themselves are plundered, by this war of conquest, of their investments, or at least a large portion of them, which (if, after paying the dividends, there existed a surplus) should have been applied to the diminution of their debts; instead of which, their property is applied to the conquest of territories, which, next year, may belong to the State. At the eve of the expiration of their charter, when they must liquidate their accounts, the Board of Control, trustees of their interest, appointed by the Crown, apply the wealth of a commercial Company in ruinous projects of conquest, whose greatest success may add wasted territories to the State, and additional debts to the Company; and if the Company should prove (as they will) unable to answer the demand, the burden of this ruinous Indian project will, together with the expences of the vain and unproductive war of Nootka, and the equally uninteresting war of Oczakow, contribute to the miseries, and hasten the ruin, of this exhausted country. The spirit and discipline of our army, and the gallantry and skill which leads them, may probably render the warfare brilliant in sterile victories. The known character and virtues of the gallant General who commands, ensures as much humanity as the bloody trade of war admits; but still it is a war whose origin is detestable, and whose final result cannot but be ruinous to the Company's interests. It is a war reprehensible on every ground which can make war odious to humanity, defensible on no one topic which makes war appear necessary and honourable; a war whose pretence is revenge, and whose motive is the thirst of dominion; a war in violation of every treaty which it can effect, and in sup-

port of none; begun by forcing the revenues of our most ancient and faithful ally in India out of his hands, by a breach of treaty, misapplying them by a breach of trust, in a war for our interest, and to his disadvantage; and admitting all the pretences, with which they have attempted to palliate or defend the measure, the sum of their misconduct will still amount to this, that they have broke the most solemn treaties of ancient alliance, plundered and misapplied the revenues of one ally, in order to divide the territories which they had guaranteed to another, out of pure good faith, and inviolable attachment to a treaty which does not exist, and in support of an ally of the Dutch: and even in prosecution of this pretended support, they have acted with the same criminal inconsistence; for they have entered into engagements by which his support is not provided; by which his country is exposed, not protected; without contracting for his security, or his indemnity; whilst they attend solely to stipulations of apparent profit for the Company, in a measure which must inevitably prove ruinous to the Company, and, in the end, an additional burthen to the oppressed landholder in Great Britain.

Such, my Lords, is the war which the barbarous policy of the Board of Control has sent forth to desolate the plains of India, and render execrable the British name. Or if there is any thing which can save from execration the British name, it is the character of the Company's servants, whose misfortune it is to be employed in this war, for some of whom I have the highest respect, from long personal acquaintance. The confidence and consolation I feel, that this ill-judged war has fallen into the hands of its gallant leader, is not certainly from any personal knowledge I have of those virtues of which I can readily credit the reputation from the conviction I have from personal acquaintance with those of his nearest relation.

I think I have omitted nothing which I wished to state to your Lordships; and I have only to thank your Lordships for the great patience with which you have had the goodness to hear me, and to make the three motions which I think the present exigency requires.

1 "That schemes of conquest, and extension of dominion, "in India, are measures repugnant to the wish, honour, and "policy of the nation."

2 "That there appears to be no just cause for a war with "Tippoo Sultan, nor for the treaties of partition of his do- "minions, entered into with the Nizam and the Mahrattas; "and that the war, even if attended with the utmost success, "cannot prove advantageous to the East-India Company's "affairs in India."

3. "That it is the opinion of this House, that it is the du-
"ty of the Directors of the East-India Company, and of the
"Board of Control, to transmit such orders to the Company's
"servants in India, as may most speedily procure peace with
"Tippoo Sultan, on moderate and equitable terms."

Lord Rawdon.

Lord *Rawdon* rose as soon as Lord Porchester had sat down, and said, that however highly he approved of the first resolution, which had been moved by the noble Peer, he could not but wish to remove any imputation, which might seem to be thrown on the conduct of Lord Cornwallis in the present business. From what had been said, an implication might be drawn, that, by engaging in a war, before it was alledged that hostilities had been commenced, he had contravened an act of Parliament. To every man in a public station, or in high command, some degree of credit was due, nay, indispensably necessary. For Lord Cornwallis he should demand much more, the confidence to which he was entitled by approved abilities and tried worth, which he had earned by long and important services. Upon the general ground on which this war was supposed to stand, he certainly must reprobate it in the strongest terms; for a scheme of conquest, for the extension of territory, was not only held generally as an improvident act, but particularly so in India: and this assertion, he said, was corroborated by several tracts of Generals Monson and Clavering, and Mr. Hastings, who have uniformly declared it unwise and dangerous. And therefore, till he heard another cause stated and supported, as far as could be, from the information received from India, he should certainly maintain the opinion he now held respecting the cause of the war. It could not with much consistency be assumed as a principle of our Government in India, to preserve, in its transactions, all the delicacy of appearances. That Government was founded in injustice, and had originally been established by force. To remove the impressions of such an establishment must be somewhat difficult. To acquire a confidence which our first acts had tended to destroy, seemed almost impossible. Apprehensions must be entertained, by the native Princes, of a power which they had not known except for injustice. The empire which had been erected by force, could not stand on the foundation of confidence.

War, his Lordship asserted, must be the inevitable consequence of our situation in that country, since we had provoked, by our injuries, the indignation and resentment of every Prince who lived within the atmosphere of our power. Was it ever intended, he asked, that any part of India should be under the Government of Great Britain? It was an equitable doom attached to the situation of Great Britain, that she must

defend

defend herſelf by her own ſtrength in India, and not by the ſtrength of her allies. The Princes of the country, indeed, might occaſionally aid our enterprizes, in order to ſhare the ſpoils, but could never cordially join in our views, or enter into our attachments.

An imputation had been thrown out, his Lordſhip ſaid, rather indiſcriminately by the noble Peer. Military men, he ſaid, were fond of war, in order to have an opportunity of diſplaying their talents, and ſignalizing their ſervices. This, however, he was apt to think was not the caſe. Military men, who were beſt acquainted with the difficulties and uncertainty of war, were moſt cautious of encountering its perils, and apprehenſive of its event.

His Lordſhip declared, that no man could reprobate an unjuſt war more ſtrongly or more ſeriouſly than he did. It muſt always be regarded as a calamity to mankind. And no man ought ever to harbour a wiſh for it, although, when the country demanded it, he ſhould feel the higheſt joy and alacrity in obeying the order. Nobody was leſs deſirous of war than he, while he felt himſelf ready to renew the ſervices which he had already devoted to his King and country, whenever they ſhould be again required. To take up arms in India, in the preſent ſituation of affairs, was certainly not deſirable. Nor could the Government of the country, who muſt have been fully ſenſible of the extreme inconvenience, and numerous difficulties, which they had to encounter, be ſuppoſed to have willingly engaged in hoſtilities. The war, which now ſubſiſted, was a ſerious calamity. Whether favourable or adverſe, it was no leſs the ſubject of deprecation and regret. It was attended with an enormous expence, which could only be raiſed by means of the utmoſt diſadvantage. If ſucceſsful, he did not ſee what benefit could be derived in the reſult; if otherwiſe, the certain conſequence was ruin. He wiſhed that the noble Peer (Lord Grenville) had taken more pains to ſhew how the expence, which ſhould be incurred, was to be made good to the public.

The conduct of Lord Cornwallis, his Lordſhip ſaid, was entitled to much reſpect and confidence. If he was the author of the meaſures now purſued in India, it was not to be doubted that he could aſſign different reaſons for the part which he had found it neceſſary to act, from thoſe which appeared from the papers. If it was not a war of Lord Cornwallis's, but had taken place in conſequence of directions from the Board of Control in this country, it was ſurely impolitic; as it had not then originated from the preſſure of the occaſion, the only motive on which war could at all have been juſtified. With regard to the preſent war, wherever it originated,

originated, he would make but a very few observations. He had little doubt of its proving the superiority of the British arms; but, whether successful or not, the immense expence of it must ultimately prove a very distressing circumstance to this country. Tippoo Sultan was, no doubt a formidable neighbour; but he did not know whether the apprehension of hostilities, on his part, justified our plunging into a war with him, without giving time for negotiation. It was the saying of an able, but a profligate, General, (Philip II.) "Time "and I against any other two:" a maxim which he wished we had adopted in India.

His Lordship concluded, with observing, that from whatever motive we had been induced to commence war, we certainly had not engaged with the circumstance of time in our favour. The Board of Control, if they were the authors of the war, had, from a fear of threatened hostilities, involved themselves in the very calamity which they so much dreaded. The great object of the government of India, he conceived, ought to be to preserve the tranquillity of the country, and secure the advantages of its commerce. He therefore approved of the first resolution which had been moved, and supported with so much ability; but with regard to the two others, he thought they might furnish subject of future debate.

Lord *Grenville* said, he should second the first resolution that had been moved, if he conceived it necessary again to record principles which were already sanctioned by the authority of Parliament, and at present subsisted in full force. But these principles were, on this occasion, only brought forward to introduce the violent censure that followed the Government in India, and the measures now pursued in that country. Lord Grenville.

Lord *Porchester* here interrupted Lord Grenville, and observed, that he had not blamed Earl Cornwallis, but had only charged the Board of Control with the whole of the business. To them he imputed the war, and he had guardedly expressed himself to that effect. Lord Porchester

Lord *Grenville* replied, that it clearly appeared to him that the resolutions of the noble Lord necessarily contained a censure on the conduct of Earl Cornwallis, and that such censure was unjust. If it had been true, as had been stated by the noble Lord, that the Government at home, or that the Board of Control, had been rash enough to send out orders for Lord Cornwallis to engage in a war with Tippoo Sultan, they would undoubtedly have deserved censure, and that of the severest kind. But he declared to their Lordships, that no such orders had been sent; and his Lordship said, it was so far from appearing from the papers on the table, that or- Lord Grenville.

ders had been sent out, that the direct reverse was clearly evident; indeed, it was impossible, from the nature of the thing, that orders could have been sent out, because the war had broken out suddenly. The war had been entirely the consequence of events which had taken place in the country where it originated, and had been produced by the pressure of immediate circumstances. But he was ready to declare for himself, as well as for those with whom he had the honour to act, that, if orders had been sent out, if there had been time for orders to have been sent to India, the Governor General had anticipated those orders. They would have sent out the very orders which Lord Cornwallis had given for the conduct of the war. He said he had merely stated that no orders had been sent out, because the fact was so, and not that he should have been ashamed of owning that such orders had been sent out by the Board of Control, if this had been agreeable to the truth. Another thing which had been stated, his Lordship observed, was, that a war in India was a thing much to be lamented, and that it would be attended with great expence. His Lordship said this was most undoubtedly true; he lamented the war as much as any man. War, whenever it happened, was always a great calamity to mankind; and it was always attended with considerable expence, both in India, and wherever it did happen. But, after all, there were certain occasions when war ought to be undertaken, if they had any attention to their own rights, to the national character, and to the situation of the East India Company.

His Lordship said, he should trouble the House shortly with the grounds on which he conceived the war had been justly undertaken, and upon which the conduct of the Governor General was not only justifiable, but highly meritorious, in undertaking it, and in prosecuting it with vigour. In the first place, his Lordship said, he wished to observe, that Tippoo Sultan's attack on the lines of Travancore must be considered as an aggression on this country, and that therefore the war ought to be prosecuted with vigour against Tippoo. The origin of the war was an attack, on the 29th of December, 1789, on the lines of Travancore; and from that moment the Governor General of India resolved to prosecute the war with vigour. The Rajah of Travancore was undoubtedly the ally of Great Britain, and one whom Great Britain was bound to protect. His attachment to the English had been zealous and persevering; and, at the conclusion of the last war, when we were deserted by all the native Princes, he alone remained our friend, and had it in his power to render us the most essential services. In those treaties in which he was included, Tippoo had expressly stipulated

pulated not to attack him as our ally. Could it then be alledged that we were not required to assist him, whose possessions we were bound to defend, and whose security we ought to guard? Could it be said, that we ought not to oppose an attack, depriving him of the most useful and important of his possessions, and which laid open our own territories to inroad and violence?

On the part of Tippoo Sultan, his Lordship said, the attack had been perfectly unprovoked. Tippoo pretended that the two forts of Cranganore and Jacottah were the cause of it, but this was clearly mere pretence. His real intention was to make himself master of the Travancore country, which might be considered as the key to the Carnatic. The Government of Bengal had justly considered this conduct of Tippoo Sultan as an infringement of the treaty of Mangalore, that had been entered into by him and the Company in 1784. Was it not proper, therefore, for the Company to adopt measures for their own defence, and for that of their ally? It had been stated, that there was no subsisting treaty between the Rajah of Travancore and the East-India Company. His Lordship observed, that it was very true; and yet the Rajah had always been considered as a faithful and an important ally to Great Britain. Many of the greatest Generals and Officers, who had served in India, had spoken in high terms of the attachment, alliance, and friendship of the Rajah of Travancore for the East-India Company. His Lordship contended, that the Rajah was included in the treaty of Mangalore. After such a series of proofs of attachment, his Lordship thought it was not very extraordinary that he should be considered as an old ally of the English, and that they were bound to protect his territories.

The noble Lord next proceeded to state the demands which had been made on the Rajah of the Travancore country by Tippoo Sultan. He said, those demands had been three in number. The first demand made on that Prince was, that he should deliver into the hands of Tippoo Sultan, certain Rajahs and Princes, whom Tippoo conceived to be natives of his country, and who had fled for protection into the country of the Rajah of Travancore. The Rajah of Travancore was a Prince independent of Tippoo Sultan, and therefore Tippoo had no right to make that demand. But the Rajah told him, that, although these Princes were of his own cast, although they were of the Rajah's own nation, and his own relations, who had taken refuge in the country, yet, to please Tippoo, he had ordered them to leave the country. Tippoo said, he was astonished at the answer. Was he astonished at the compliance of the Rajah? Or was he astonished at the indifference of the British Government in allowing their ally to be so treated?

ed? No; his astonishment was of a very different sort. He was astonished that these Rajahs were not delivered into his hands; into the hands of the most bloody and merciless tyrant that ever stained the annals of humanity. The second demand made by Tippoo, his Lordship said, were the Forts of Cranganore and Jacottah. Those forts appeared to have been possessed originally by the Portuguese, who had got possession of them about the year 1500; and about the year 1550, or 1560, the Dutch conquered them from the Portuguese. The Dutch had held them ever since; not as tributaries, but in full and absolute right, as complete sovereigns. Upon that ground the Dutch had a right to sell them, and upon that ground the Rajah had a right to purchase them. His Lordship observed, that it was very extraordinary, that, at the very moment that Tippoo was complaining of the Dutch, that they had not a right to these forts, he was himself carrying on a negotiation with them for their purchase. The next demand made by Tippoo, he said, related to the lines of Travancore, which were in the territory of the Rajah of Cochin, a tributary and a dependent on Tippoo. Tippoo had declared, that the Rajah of Cochin had been his tributary fifty or sixty years. His Lordship observed, that when one considered the history of Tippoo, and of his father, it was not very easy to conceive how it was possible the Rajah, or any other Indian Prince, could have been his tributary for so long a time. Tippoo proved that the Rajah had been his tributary sixty years by the Rajah himself proving he had been dependent on him for only five and twenty years. In both the treaties of 1769 and 1784, the name of the Rajah of Travancore had been included; and in those treaties it was stipulated, by Hyder Ally in the one, and by his son in the other, that they should not attack the territory of the Rajah of Travancore. All these demands of Tippoo Sultan, his Lordship said, were clearly unfounded.

At the very moment when Tippoo had pretended to wish for peace, and was carrying on a sham negotiation for that purpose, it was evident he only wanted time to collect his forces, and to prepare for war; and in a few days after he actually did collect them, and began the war. How then was it possible for the Government of Bengal, if they had any regard to the honour and dignity of Great Britain, to refrain from carrying on war against such an unprincipled and deceitful tyrant?

In the course of his speech, his Lordship lamented the death of Sir Archibald Campbell, one of the ablest, honestest, and most upright servants of the Company. Sir Archibald, he said, had ended a most honourable life, and was no longer in a situation of enjoying what would have been to him above all

things

things gratifying, viz. the approbation of both Houses of Parliament.

From the evidence that lay before them, which was all the nature of the thing would possibly admit of, it was clear, his Lordship conceived, that the war had been necessarily and justly undertaken. When Tippoo attacked the lines of Travancore, they must have considered him as actually at war. He was the avowed and declared enemy of the British name. Besides the other considerations which he had mentioned, it was incumbent upon us, in point of policy, to oppose the progress of Tippoo. The lines of which he wished to obtain possession were of the greatest consequence. An experienced Officer, General Smith, had declared, that we ought to defend them with as much firmness as the gates of Madras. It was not the intention of the Government to exterminate Tippoo, but only to support its own allies. They had been charged, in their conduct, with inconsistency; but, though they might have varied their mode of acting, they proceeded upon the same principle. But, his Lordship observed, that it would not be sufficient for the House to satisfy itself with a bare negative on the three resolutions that had been moved. That would be dangerous to our possessions in India, and would soon put a period to all subordination and Government in that quarter of the globe. It was not only necessary, he said, that punishment should be held out to guilt, but that protection should be held out to innocence, and reward to merit. If this were not the case, it would not be easy to find people ready to take upon them the Government of India. They might, perhaps, find some avaricious men, who might go to amass money at the expence of their character, but who would pay no regard to the interest of those over whom they presided, and who would never deserve the applause of their country. He remarked of what bad consequence it must be to our interests in India, if our Government there possessed only the privilege of making treaties without the power of fulfilling their engagements.

His Lordship said, he was afraid he had troubled their Lordships at too great length, but he had spoken with great anxiety. It had been his lot sometimes to defend his own conduct, and that of those with whom he was connected in politics, but he was then defending an absent man. He had no personal knowledge of Lord Cornwallis; he only knew him from his public conduct, which he highly revered.— From a state of ease, affluence, and honour, equal to that of any subject of this country, the noble Lord had undertaken the Government of India, on condition, that on no circumstances whatsoever he should remain there above a certain term. When that term had nearly expired, and when ar-

rangements had been made for his return home, to receive the applause and approbation of his country, a war had broken out. This determined him not to quit his situation at so dangerous a juncture. He determined to delay his return to his native country, in order to be better able to chastise this free-booting tyrant, and preserve our Asiatic property, and our Asiatic friends, from his plundering army. His Lordship had left Bengal, and gone to Madras, the place where the danger was, and nobly took upon himself the responsibility and conduct of the measure. When he found, on his arrival at Madras, a brave and gallant Officer, that was equal to every emergency, his Lordship had returned to Bengal, but still resolved to remain in India till peace was restored.—Lord Grenville thought, after this, he might take the liberty to ask their Lordships, what possible view Lord Cornwallis could have in making war with Tippoo Sultan, after he had grossly injured the allies of the Company, but that which justice, the faith of treaties, and the honour and dignity of the British name, rendered indispensable? Would any noble Lord take upon him to say, that it would be just to pass a censure on this man? Would they think it prudent to pass resolutions against a war, when the very principles on which it took place were highly meritorious, and when our prospects were to secure the possession of our Indian property, and not, as the noble Lord stated, to increase our territory? He said, after the resolutions of the noble Lord had been disposed of, he should take the liberty to move three resolutions similar to those moved in the House of Commons, approving of the conduct of the Governor General in prosecuting the war with vigour.

Earl of Lauderdale.

The Earl of *Lauderdale* said his ideas differed widely from the positions laid down by the noble Secretary, who, in place of meeting the motion of his noble friend fairly, had come forward with a panegyric on Lord Cornwallis, in which, no doubt, every person would agree, although that opinion never could justify the manner in which Ministers treated that House and the country, by calling for approbation of conduct, which they refused to give any account of, or cause for. For his part, his Lordship said, he thought they would have been ashamed, in the present situation of the country, to have supported any line of conduct that tended to increase the burthens of the people, far less to move for approbation to themselves, upon beginning an expensive and destructive war, at a time when the resources of the kingdom were now known to be in a very different situation to that which had been held out to deceive the public for some years back.—Considering, therefore, the real state of the nation, and the contents of the message which His Majesty had lately sent to

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Parliament, he was surprised that Ministers had the boldness to continue using the language that they had held, and claiming confidence from Parliament, without giving any one solid or substantial reason for their conduct, or cause for the calamities that they had brought, and were bringing, upon the country. The messages which Ministers had been accustomed to deliver of late, breathed nothing but sentiments of a pacific nature, and an avowal of principles that went to secure and preserve the tranquillity of Europe; but he would ask their Lordships, if the conduct of Administration had been any wise consistent with such principles? Had they adopted a system of mildness, moderation, and forbearance? Certainly not. They had done directly the reverse; and, without stating any one fact that could justify their system, now came to ask the sanction of Parliament to these measures. With regard to the present war in India, his Lordship denied that their arguments were founded on facts; and the noble Secretary, instead of giving a full and true statement of the point at issue, had thrown every thing upon the popularity of Lord Cornwallis, who was absent, and Sir Archibald Campbell, who was now no more; by these means at once throwing off responsibility from themselves, for orders sent from home, and referring, for approbation of their system, to two persons, of whom, whatever praise might be due to them, one was absent, and the other dead; therefore neither could satisfy the House now, that that system had their approbation. He contended that it would have been much fairer and better to have stated facts only, than to have rested so much upon authorities that could not be brought before the House.

The noble Secretary had said, continued his Lordship, that the Rajah of Travancore had acted by the advice of Sir Archibald Campbell: the papers on the table, in his opinion, contradicted that assertion; and though he did not mean to follow the noble Lord through all his detail, he must make a few observations on what he had said. He then argued against the necessity of our plunging into a war, merely on a pretence of being bound by treaty to assist the Rajah of Travancore; and asserted, that the Dutch had no independent right to dispose of the two forts of Cranganore and Jacottah. They might as well, he said, sell all the frontier coast of the country, and place an ally in such a situation as to make it impossible for him to avoid a war. When the noble Lord had stated, that Tippoo demanded his rebellious subjects from the Rajah of Travancore, he mis-stated the fact, since the Rajah, in his answer to Tippoo Sultan, first asserts a falsehood, telling Tippoo, that he had no subjects of his in his dominions. The noble Lord, he observed, had said, "where

"was

" was there any page in the law of nations, that said a na-
" tion, in alliance with another, was not to defend that
" other, when that other was attacked?" In answer, the noble Earl asked, " Where was the page in the law of na-
" tions, in which it was stated that one power was to gua-
" rantee another, after that other has, by improper conduct,
" changed its relative situation, and given just cause of jea-
" lousy to the neighbouring power?" Were there not, he said, instances enow of conduct on our part in India, to stir up every native power in that quarter of the globe to arms? There were two powers in India worth our cultivating, viz. Tippoo Sultan and the Mahrattas; and of those, the former was the most desirable for us to form an alliance with. We were, his Lordship said, acting against Tippoo in India, just as we were going to act against the Empress in Europe. Tippoo attacked the forts to which we laid claim, and we carried the war into the center of his dominions; so, in Europe we complain of Russia's persisting to keep Oczakow, and, instead of endeavouring to recover Oczakow, we were about to send a fleet up the Baltic. His Lordship asserted that we deserved the whole blame of the war in India, and not Tippoo, who had acted naturally, and as his interest rendered necessary. Nor was it, he said, to be supposed that Tippoo would chuse that hour as the most fit to attack us, in which he was least able to defend himself, and we were the most powerful. As to the Dutch, it was well known that they were a cunning, intriguing, and interested people, and would sell their frontier forts, no doubt, to occasion war amongst the other powers, the sole advantage of which would be theirs; but for us to defend that, which we knew must be very aggravating and provoking to Tippoo Sultan, was certainly imprudent and unjust, as every war must be reckoned, which was brought on without any real injury done, or insult offered, either to ourselves or our allies. Much had been said about Jacottah and Cranganore belonging originally to the Dutch; but he asserted, that they did not belong to them independently, because they were undoubtedly tributary to the Rajah of Cochin. In short, his Lordship insisted that the pretences for going to war with Tippoo were highly unjustifiable, and ill grounded; and he complimented his noble friend for the great geographical and local knowledge which he had shewn in his speech, and which seemed to be entirely neglected by the noble Secretary.

After all he had heard, his Lordship said, he knew of nothing in the law of nations, nor indeed had it been attempted to produce any one article, that could support the idea of our being obliged to go to war upon account of any subsisting defensive alliance which we had entered into with any power in

India,

India, or were guarantees for, unleſs we acknowledge at once that the defenſive treaties, which we had made or guaranteed, were now found to be offenſive treaties, and certainly deſerving the epithet of infamous, which had been juſtly applied to one of them, ſpeaking morally; and he would ſay, that whatever was infamous, morally ſpeaking, muſt be infamous, politically ſpeaking. It having been allowed, on all hands, that war was the laſt thing that the Company, or the Britiſh Goverement in India, ſhould provoke, he was at a loſs to know what excuſe could be made for the ſyſtem that had been adopted.

There were only two powers in India that we had any reaſon to dread, Tippoo and the Mahrattas; and to preſerve a balance between theſe powers was our intereſt; but the object which ſeemed to be in view, was very different. It was the total extirpation of Tippoo, to confirm a ſort of uncertain alliance, which we thought to form with the Mahrattas; and thoſe who vindicated this plan, having no facts to eſtabliſh their arguments upon, were compelled to aſſume reaſonings that were in no ſhape admiſſible or applicable.

The noble Earl then made ſome pertinent obſervations on the preſent ſituation of France, and the improbability of her aſſiſting Tippoo Sultan, deducing from thence, that the quarrel originated without provocation given by Tippoo, and was therefore reprehenſible. In mentioning Tippoo, he ſaid, his character had been fully and accurately given that night, and much had been diſproved of what was formerly ſaid of him; ſome people having thought fit to praiſe him at one time, and abuſe him at another, juſt as it ſuited their immediate purpoſe.

His Lordſhip concluded his ſpeech, by warning their Lordſhips not to give their countenance or approbation to any treaties or ſyſtems that had been formed upon a ſpirit of conqueſt, and a wiſh to extend territorial poſſeſſions, however unjuſt the means of acquiſition might be; and he contended, that the infamous treaty now upon the table, as well as the whole ſyſtem purſued in India, proceeded upon that love of intrigue and conqueſt, which ought to be deprecated by every good man and friend to his country: and he particularly cautioned their Lordſhips not to give their approbation to Miniſters upon blind confidence, at a time when we ſaw them attempting to introduce the ſame ſyſtem with Ruſſia as they had followed with Tippoo, by at the ſame moment claiming from Ruſſia the moſt valuable part of her conqueſts, Oczakow, and preſenting a meſſage from their Sovereign, requeſting an augmentation of the navy to ſupport this deſtructive deſire of conqueſt, and love of intrigue, the tranſplanting of which from India to Europe, ought, and he

hoped

hoped would, be strenuously resisted by the nation. He paid many compliments to Lord Cornwallis, but would not allow that Ministers had a right, by extolling him, however justly, to claim approbation of their measures, without giving any reason for them.

Before he sat down, he begged, in the most earnest manner, to warn their Lordships against the motions which it had been stated by the noble Secretary of State that it was his intention to propose. Those motions his Lordship reprobated as an insidious attempt in Ministers to take their Lordships by surprize, and to induce the House to pledge themselves to support the war.

Marquis of Lansdown.

The Marquis of *Lansdown* began with complimenting Lord Porchester on his speech, and declaring that he gave the strongest faith to almost every one of the principles laid down by the noble Lord, and by those other noble Lords who supported the resolutions; but he begged to have it understood, that he meant the principles they had stated, and not their opinions, for there was, he said, a material difference between the two. He could concur, he said, in almost every one of their principles, but must at the same time, on account of those very principles, decline voting for the resolutions, because those principles proved the resolutions to be unnecessary, inexpedient, and unjust. The resolutions amounted to a censure, and a very strong censure, on Lord Cornwallis, and he took it to be rested on three distinct grounds, one the war, the other the partition treaty, as it might be called, and the third the conduct of that war. His Lordship declared, he did not think Lord Cornwallis would abide by the papers on the table. Averse as he was to the extension, or even retaining a great part of our Empire, there might possibly be reasons of which their Lordships at present knew nothing, because they were not before them, which when they were known, might shew that the war was just and unavoidable. What made him inclined to think that nothing but the strongest necessity would have induced Lord Cornwallis to enter upon the war was, that he all along in his letters deprecated the evil of war, and expressed himself in the strongest and clearest terms, as fully of opinion, that no advantage we could expect to gain could equal the mischievous consequences that must follow our engaging in hostilities, circumstanced as we were at present. In proof of this, the noble Marquis read several extracts from the letters of Lord Cornwallis upon the subject, and mentioned his Lordship's having condemned Mr. Powney, the president, for having encouraged the Rajah to think of war; and condemnation from such a man as Lord Cornwallis, he said, was an unan-

swerable proof that he was extremely hurt and provoked at what he censured.

There might, his Lordship said, be many other reasons for going to war besides what appeared in the papers on the table. Let it be remembered that so long ago as May 1789, a plan was imparted by the Rajah of Cochin to the Rajah of Travancore, of an attack intended by Tippoo Sultan on the Travancore dominions, and on those of the British likewise, for which purposes he was collecting forces, and had sent to the Rajah of Cochin to join him, which shewed that Tippoo meditated no slight affair, but some general enterprize to sweep the Dutch and English from the coast of Coromandel at once.

The ties of alliances, the faith of treaties, and the necessity of adhering to them, his Lordship said, were splendid terms. He well knew what the King of Prussia said of treaties of Alliance, viz. that they were to be seen and looked at, but never acted upon. They were fine fillagree work, calculated more for shew than use. But then he would ask, had we been remarkable for an adherence to the terms of treaties of alliance? At the treaty of Utrecht we had abandoned our allies most notoriously; at the treaty of Neufchatel we did so likewise; and at the peace of Paris, in 1763, all the world complained of us for our neglect of our allies. In fact, treaties were to be adhered to more or less strictly, according to the circumstances of the moment; and the reason why they were so often violated, was because Ministers made them without the concurrence of the public; they came to Parliament and asked for confidence to enable them to make treaties, and they were afterwards found to be contrary to the interest of the country, and required to be broken down with a hard hand. But what, asked his Lordship, were the Princes of India for whom we were to go such lengths? They were, he said, not Kings, but a species of nobility that depended upon us, and existed on our frowns. The Nabob of Arcot and the Rajah of Tanjore were our first allies, but the former was of the most consequence.—On their grounds we stood in India.

His Lordship justified the conduct of Lord Cornwallis, by observing, that when a man was at Rome, he must do as Rome does, and so in India, Lord Cornwallis was obliged to act as affairs there required. He justified the terming the treaty infamous, observing that the noble Lord (Lord Stormont) who had used that word in application to the treaty with the Nizam, and the Mahrattas, well knew what treaties were, and was not likely to apply an expression to them of a strong nature, which he had not well considered. But he asked, why did Ministers let the East-India Company

have their hands in the pockets of the Public? He well remembered in the year 1782, they applied to the Treasury, and required the loan of 300,000l. which they had; but not upon other ground than that of the exigency of the case. Parliament, he said, had not been up three days, before the Chairman, and Deputy Chairman, one in opposition, and one not, came to the Treasury, presented their pistol, and demanded credit for a million sterling. He had said to himself at the time, "if this is the case, we must hurry on peace as fast as "possible, pay the money, and say no more about it."

The noble Marquis here asked, how were the East-India Company to bear the expence of the war? With what were they to pay it? With their trade, could it be said? What was their trade, but a monopoly of tea, out of which, Ministers had deluded their country, on the ground of a pretended commutation? That was, his Lordship contended, as direct a tax upon the Public, as the malt tax, or any other tax. He said, it was well worth the serious consideration of their Lordships, whether the Public would consent at present to draw their purse strings for the East-India Company. He had read a speech made in another place, [probably Major Scott's] in which there was a passage which struck him with infinite astonishment, after all he had heard of the œconomy of the Board of Control. It was observed in that speech, that the peace establishment of Bengal, as paid by that Board, exceeded the peace establishment of the former Administration a million sterling annually. The fact appeared so extraordinary, that he conceived there was some error in the statement, but upon resorting to very good authority, he found that the excess was actually one million two hundred thousand pounds; and with respect to the war, it was most undoubtedly true, that the expences now very far exceeded those of a former period so much complained of. It well then became their Lordships, the noble Marquis said, to consider from what source the supplies were to come. Bengal was drained, and Lord Cornwallis had already been compelled, in violation of a recent treaty, to authorise the seizure of the Carnatic and Tanjore.

His Lordship said, the House could not, from any thing they knew, pronounce the war either just or unjust. Ministers could not be blamed, for they had taken care to furnish no evidence against themselves; he wished they had been equally careful to save Lord Cornwallis from unjust suspicion; they owed him their protection, and they would have manifested it more in withholding such papers as, without explanation, tended rather to give rise to doubt than warrant any certain conclusion on the subject, than by any overcharged eulogiums on Lord Cornwallis's character, couched in pom-

pous phrase and sounding periods. But for the reasons he had stated, the noble Marquis said, he could not vote for the motion of the noble Lord near him. If they wished to censure those men who had deserved it, let them not, he said, in that manner pick out individuals one by one, and most especially an absent man, who from not being here could not speak for himself. Let them appoint a respectable Committee to take a general view of the country, and see what men ought to be made objects of censure. Some there were, his Lordship said, who had practised every possible enormity in India; let such a Commitee send them to the judicature appointed by act of Parliament to try them, and don't let the country be tantalised by seeing the scandalous abuses which Lord Cornwallis had described in his letters, as having disgraced us in India.

With regard to the motions proposed by the noble Secretary of State, his Lordship declared he could not vote for them any more than for those proposed by the noble Lord near him, and for the very same reason, viz. because the House had it not in their power to ascertain whether they were supported by facts. Let both be suspended till Lord Cornwallis comes home, and they had his whole conduct before them. Then Lord Cornwallis might be censured with justice or acquitted with honour, as his conduct should warrant, and not brought off by a factious vote, for so, his Lordship said, he must ever consider a vote of approbation proposed by surprise and on a sudden, in answer to a vote of a different kind proposed on that side the House.

His Lordship spoke highly of Lord Cornwallis, and he declared he must have been insensible to thirty-four years friendship, uninterrupted even by politics, if he had not felt the highest regard for him, and he must also have forgotten the uniform tenor of that noble Lord's public conduct if he had not an implicit confidence, that whenever the day came that his conduct could be fully known, it would be found that Lord Cornwallis had acted in India greatly to his own honour, and to the advantage of his country. The Marquis said he had appointed Lord Cornwallis Governor General originally, not from any idea that a military man was the fittest to go to take the Government of India upon him, but conscious that it was a situation in which that noble Lord could not acquire so much glory as if he went to Canada, where he might have been called to the exercise of his profession. His only reason for prevailing on Lord Cornwallis to go to Bengal was, because he knew no other man so well qualified to go to India. His Lordship touched upon the approaching expiration of the Company's charter, and expressed his astonishment that so little had been said upon the subject

in England, when the advantage of an East-India Company had been taken into consideration in France before the time of the national Assembly. He quoted the late Lord Chatham's declaration, that he should leave the question of whether it was right to continue the charter of our East-India Company, to float upon the waves of public opinion, not doubting but it would one day be agitated, and it would be considered whether the Company and the whole of their trade was a bubble or not.

Tippoo, the Marquis said, was our natural ally, and the Mahrattas the natural Foe of this country. He questioned whether Bengal was not the only substantial resource we had in Asia. The Mahrattas were in this case a dangerous neighbour, and Tippoo Sultan at hand to check any ambitious attempt of the Mahrattas. With respect to our other possessions in India, his Lordship doubted whether they were to be regarded as a millstone about the neck of the country, or a resource. After a variety of other observations, his Lordship concluded with giving it as his opinion, that it was totally improper to go to a vote on either of the two sets of resolutions, and therefore he would move the previous question as a means of getting rid of both for the present.

Marquis of Townshend.

The Marquis of *Townshend* rose next, and addressed their Lordships to the following purport:——After the very extensive field of information which the noble Lord who moved the question has had recourse to, I shall at least endeavour to recommend what I have to offer in justification of the vote I shall now give, by detaining your Lordships as short a time as possible.

The war in which we are engaged in the East, is, I conceive, expensive beyond all precedent, and is highly to be lamented. Great and well-deserved encomiums have been given to the noble Lord who presides in that critical and important station; but I can assure your Lordships, that neither the high esteem in which I hold that noble Lord, the ties of consanguity, nor the fellowship of service in which I have known his merits, should prevail on me to approve of his conduct, had I found, upon the most mature consideration, that he could have acted a more prudent and honourable part for this country.

It is evident, I think, from the treaty of the year 1784, which, if I am rightly informed of it, I may justly stile a triple alliance, defensive and *offensive*, against whoever broke it first, that upon the Rajah of Travancore's purchase of the territory and fort in question, (Satta Mangalore,) the Council at Madras advised his returning it to the Dutch, thereby to avoid the jealousy and hostility of Tippoo Saib. The

Rajah

Rajah finds the Dutch will not resume it. Why? Because they had sold it purposely to avoid Tippoo's hostility.

The Council of Madras expostulate with Tippoo, who perseveres in his claim, and alledges divers breaches of friendship and provocation on the part of the Rajah. The Council of Madras inquire into this, and are convinced of its fallacy. They then propose a mediation, and to appoint arbitrators, hoping to prevent any aggression: Tippoo commences hostilities, attacks the frontiers of the Rajah, and is repulsed at the lines of Travancore. How, my Lords, how was either the Council of Madras, or the Chief Governor, to act in these circumstances? Expose the Rajah to the rapacious and vindictive Tippoo, to break the engagements of the treaty, and abandon the character of the British nation? or ought his Lordship to have sent home for instructions, thereby giving Tippoo not only time to have increased his force, extend his conquests, and afford good grounds to the Rajah, and every other power in Asia, to form new alliances for their better security? No, my Lords; I trust your Lordships will see the propriety and necessity of the decisive part which the Chief Governor has taken. Upon the arrival of General Medows, Tippoo did, indeed, begin a little to lower his tone; but what could be expected from a despot, of whom we had always heard so insidious and bloody a character, and who has already evinced the most complete insolence and perfidy on many occasions.

It has been said that this decision of the Chief Governor's is contrary to the principles laid down by the East-India Company, and to their express injunctions. I hope I do not mistake the purport (though I cannot quote the words of the act of Parliament) of the 24th of his present Majesty, entitled, "An act for the better regulation and management of "the East-India Company," which, I think, says, "that to pursue extent of conquest and dominion in India, is repugnant to the interests of this nation, and that it shall not be lawful for the Governor, &c., without authority from home, or of the Secret Committee, *except when* hostilities have been *actually commenced*, or *preparations made*, against the British nation in India, or such *Princes or States dependant thereon*, or whose territories the Company is engaged to defend, either to declare war, or commence hostilities, or enter into any treaty for the said purpose; but *that in such case of necessity*, they must communicate, as soon as possible, to the Court of Directors, a full state of the grounds upon which they have commenced such hostilities."

Let me then appeal to your Lordships, could Lord Cornwallis do less, in the execution of the good faith of treaties, and for the reputation of the British name, than support the

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ally, who submitted to reference, in the possession of what he had purchased, against the violator of this triple alliance, who refused arbitration, and commenced war for what he had no right?

If your Chief Governors, and Commanders in Chief, are to hesitate on such occasions, miserable, indeed, is their situation; nor can the motives of a man be doubted, who, as a noble Lord has just told you, in addition to his other merits, with a stated salary, anxious to return to his native country, prefers remaining, for the public service, in the most arduous situation, from the emergency of the occasion; nay more, had preferred the scene of action at Madras to that of the principal seat of his Government; yet, upon the arrival of an highly distinguished military character at Madras, he then remains in the utmost state of responsibility, uninfluenced by any motives of ambition or profit.

Such, my Lords, has been the conduct of your Chief Governor in India, which, if it were not founded on necessity, and justified by the strongest authority, I should be as ready to condemn, as I should so heavy and insupportable an expence, which must fall on this nation; but as this state of hostility seems to have been unavoidable, I conceive it to be justifiable, and the conduct of your Chief Governor highly meritorious.

Lord Porchester

Lord *Porchester* rose again, and commented on the speech of the noble Secretary (Lord Grenville) in the following manner. The noble Lord has wisely evaded, said his Lordship, entering into a defence of measures perfectly indefensible; he has prudently taken shelter under the popular character of Lord Cornwallis, in whose general commendation he has been as profuse, as he has been niggardly of arguments in defence of the measure, which he insinuates, though he dares not, in direct terms, assert, to be the sole act of the Governor General, without any suggestion, advice, or order from home. I concur in all he has said of the Governor General's personal merit, and should willingly concur in any commendation where praise was not treacherous, and meant to shift from the shoulders of Government at home the odium of their own measures. As the noble Lord has stated his intention to move a formal approbation of Lord Cornwallis's conduct as the author of this war, after he has, according to his own phrase, disposed of the motions I had the honour to propose, which he trusts in the blind confidence of his adherents to effect, I cannot avoid, as a well-wisher to Lord Cornwallis, to deprecate that insidious praise which is held out in order to persuade Lord Cornwallis's friends, by the offer of barren approbation, to adopt with it all the substantial blame which an informed Public will think due to the mea-

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sure of the war. Lord Cornwallis is so peculiarly circumstanced in this affair, that if you suppose him within the scope of praise or blame, as author of the war, it must inevitably be of blame. The act of Parliament prohibits the Governor General from commencing a war without the authority of his superiors: if he has done so, he has offended against the legislature, and deserves censure: if he has acted legally under orders, he has done no wrong; but he deserves no praise. He is then the instrument in their hands, not the responsible author of the war. It is an affront to his character, and lowers its standard, to offer praise for simple obedience to orders received. Ministers have produced his letters, and the documents of the transactions, and left them on the table unexplained and unjustified; but they have insidiously, by offering praise, insinuated, that the war was not suggested, advised, or encouraged from home, and that they renounced all claim to the merits of the war; and thus they artfully transfer, with the shadow of praise, all the weight of reproach from their own shoulders, and leave Lord Cornwallis as the imputed author of the war by crowning him with the praise, of disobedience to the legislature, and leaving him to escape the censure of the war as he can. The noble Lord says, that I have adduced no other argument but the letter of the 7th of July, as a proof that the Board of Control had authorised the war; certainly no more convincing proof could be adduced, and which he has not made the least attempt to refute; but I likewise stated the treaties with the Nizam and Mahrattas as equally proving it: those treaties do not even pretend hostilities from Tippoo as being the cause of the war; and on the face of those treaties, the war, without the authority of the Board of Control, is illegal; and with it, the Board remains highly criminal, and highly responsible.

Lord *Sydney* said, that his connection with Lord Cornwallis would not permit him to hear a censure urged against him, without saying a few words on the subject. In his mind, an attack had been made on the Board of Control for acts, of which, neither morally nor physically, they could be the authors. The ally of the Company had been attacked; and the noble Governor General had acted on the occasion with pure integrity and becoming spirit. His Lordship said, he would not again travel over the ground which had already been traversed with much greater ability, but should conclude with observing, that he had heard many things asserted in the course of the debate, which had astonished him; particularly, that Tippoo Sultan was by no means a cruel, bloody, and vindictive Prince. His Lordship reprobated the whole conduct of Tippoo Sultan, and reminded the House of his treatment of the detachment made prisoners under the command

Lord Sydney.

of

of General Matthews last war. As an additional instance of Tippoo's determination to break with us, he asked if the investment of Tellicherry in 1789 were totally forgotten? And concluded with expressing his disapprobation of the motion of the noble Lord (Porchester.)

Lord Stormont. Lord *Stormont* reprobated the carrying on a war in India. His Lordship said, that though the origin of this India business had been agitated while he was abroad on his duty, and that he had not courage to run through the voluminous reports which were made to the Board of Control, yet he had attended sufficiently to it since, to be able to form his opinion thereon. Upon this particular question, however, he said, he was in a difficulty how to give his vote, since every day news was expected which might very much influence their Lordships. His Lordship complimented Lord Cornwallis for the rectitude of his principles, and the moderation of his mind. He was well convinced that the noble Lord was possessed of a soul that aspired after military glory; and that he regulated his conduct according to the directions he had received. The treaty, he should presume, was made for the express purpose of extending dominion, which was diametrically repugnant to the honour, principles, and dignity of the British name. Tippoo's overtures were rejected, which was a direct violation of treaty.

His Lordship argued strenuously against the treaty for dividing Tippoo's dominions, into which we had entered with the Mahrattas and the Nizam. He put the case of a similar treaty being entered into between Prussia and France, for the preservation of the general peace of Europe, enumerating all the European powers, excepting only the Netherlands; he asked if the Emperor would not have just cause for jealousy on hearing of such a treaty? Such a treaty he asserted as that lately entered into by our Government in India, was unparalleled. His Lordship said, that if Ministers had given orders to Lord Cornwallis to plunge into war, the motion proposed by the noble Secretary of State, was that which he should have expected from Ministers, because it was a vote of approbation of their own conduct. But conquest was the main pursuit. He was as sanguine for victory as any man; but then it should be considered whether that victory was to be founded in an advantage or not. The expence of a war every man must know was a great disadvantage to a commercial country; and great caution ought to be taken how a nation, like Great Britain, involved itself in a war, whose chief object it was, to promote its commerce, and consequently the peace of the country.

His Lordship dwelt particularly on the ruinous consequences of a war in India, observing, that it could not cost less

lefs than four hundred thoufand pounds per month to carry it on, and whence were fuch fums to be drawn for the fupport of it? Bengal had been already almoft wholly exhaufted. Money could only be obtained at 12 per cent. His Lordfhip read an extract from one of the papers in his hand, upon which he made fome very judicious comments, illuftrating his general arguments of the inexpediency and impolicy of feeking to extend our territories in India. He concluded with obferving again, that the Board of Control, and not the noble Lord, were in error.

Earl of Carlifle.

The Earl of *Carlifle* faid, he fhould not detain their Lordfhips at fo late an hour, but as he was related to the noble Earl who had been fo much the fubject of converfation, he could not refrain from making a few obfervations on what had been faid. He confeffed he fhould have been better pleafed to have heard from Minifters, inftead of high and fwoln eulogiums on Lord Cornwallis, that they were ready to communicate the orders which they had fent out. A noble Lord had faid, that the Board of Control could not, phyfically fpeaking, have given orders in regard to this war. That they had not given orders explicitly as to this war, was probable; but had they not fent out hypothetical orders, which bound the noble Earl to take the courfe he had purfued? In obfervation on the various allufions to Tippoo Sultan's character, he hoped that noble Lords would confider that we were now again at war with that Prince, and that fuch language was not likely to conciliate him to afford more hofpitable treatment to fuch of our military as might unfortunately fall into his hands. The noble Earl affirmed it to be his ftrenuous belief, that Tippoo Saib did not meditate a war; if he had done fo, he would have taken the courfe purfued by his father; he would have come down with his hoft of cavalry, and would have fwept the Carnatic, by driving the cattle, cutting off the harveft, and taking fuch other fteps, peculiar to an Afiatic war, as fhould have prevented us from attacking him. He had not done this, and he therefore believed that he had not meditated an attack. His Lordfhip concluded with declaring, that he thought Lord Cornwallis had been extremely ill treated by Minifters. The papers on the table, he faid, were unintelligible, without explanation; and Minifters had not done him the juftice to give any explanation whatever. His Lordfhip fpoke highly of Lord Cornwallis, and pronounced him a man incapable of acting in fo unworthy a way as Minifters had imputed to him.

The Houfe divided on the previous queftion;

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The motion of Lord Porchester being thus disposed of, Lord Grenville rose, and made the same motions in approbation of the war, as had been previously carried in the House of Commons.

Lord Loughborough. Lord *Loughborough* spoke against them, declaring that Ministers had wisely chosen that midnight hour for the purpose of carrying an adulatory resolution on their own conduct. It was only fit, he said, for a drowsy audience, and not proper to face the light of day. His Lordship contended, that, by asserting that the Board of Control had not sent out orders to begin the war, they had avoided the fair argument, and that, in fact, no point had been at issue between the two sides of the House, since the real spring and source of the war were to be found in the treaty signed in July, 1789, and not in Tippoo's attacks on the lines of Travancore; and therefore it did not follow that orders might not have been received from home by Lord Cornwallis, between the month of September, 1789, and December following, when the attack had been made. He said that, at so late an hour, he would not detain their Lordships, except to mention one fact, which had been overlooked in the debate, but which proved that the whole system now pursuing in India, had been dictated in England. In the orders for forming treaties of defensive alliance, all the powers of India were enumerated, excepting only those of Tippoo Sultan. His dominions, though guaranteed by positive treaty, were not to be defended; and thus it was declared, that we were to suffer him to be attacked, or to attack him ourselves. His Lordship strongly reprobated the strange and indefensible conduct which Ministers had pursued in this question; and concluded with saying, that by thus calling for self-praise, they materially changed the ground of the discussion; for it was not a very grateful thing to bestow praise, without communicating the reasons on which it ought to be given; he should, therefore, he said, move the previous question.

On which, the House divided;

Contents, 12; Not contents, 64. Majority 52.

The three motions of Lord Grenville were then severally put, and carried in the affirmative.

The House adjourned.

I *Wednesday,*

Wednesday, 4th May.

On reading the order of the day for the second reading of the bill to divorce Mr. Cecil from his present lady, on account of her adultery with the Reverend Mr. Sneyd,

The *Lord Chancellor* left the woolsack, and called their Lordships' attention to the bill. His Lordship said, he was desirous to deliver his sentiments on the subject of the bill then under consideration, because it differed much from those which generally formed the ground of application to that House for bills of divorce; with that view on a former stage of the proceeding, he declared it was, that he had consented to the delay at the time proposed for the second reading. Mr. Cecil, who applied to their Lordships for a dissolution of his marriage contract, his Lordship said, was an honourable gentleman, apparent heir to a noble and illustrious family in this country, and he, as well as every other person applying to their Lordships for redress of grievance, would undoubtedly receive it as far as their Lordships could extend their interference upon the principles of justice, defined and limited by the law of the land; From the Ecclesiastical Court Mr. Cecil had already received all that Court could grant him; he had been allowed a divorce *a mensa et thoro*, which might be granted on a variety of cases, in each of which Parliament might refuse to interfere. There might, his Lordship said, be various reasons for this kind of divorce, when neither justice, public policy, nor a due regard to morality or religion could warrant the granting a divorce by Parliament, which was a divorce *a vinculo matrimonii*. The first divorce was a mere separation, adapted to the convenience of the parties; but the second was an absolute dissolution of the contract, and therefore he had always been of opinion, that if any agreement between the parties to separate could be proved, or if after the adultery of the one, the other assented to or connived at that immoral act, or was heedless and indifferent about it, the law upon the ground of public policy and decorum would refuse a divorce *a vinculo matrimonii*; and so it ought to be on the principle of justice, as well as on that of public expediency, in order to make the marriage contract as solemn a deed as the nature of the thing would admit; for there could be no injury, and consequently no redress, where a party had permitted, or had not endeavoured to prevent the act. The question in this case, his Lordship said, was, whether the gentleman who made this application, had conducted himself with regard to his wife in such a manner as to be entitled, according to the principles he had laid down, to this divorce *a vinculo matrimonii*. The

evidence of the adultery of the lady was clear enough; but, on the other part of the case, that of the conduct of the husband, he owned he had entertained considerable doubt; and that too of such a nature that the subsequent circumstances of the case, on a good deal of deliberation, had not yet entirely removed. It had appeared before their Lordships, that Mrs. Cecil had, with much distraction, but without contrition, confessed her adultery with Mr. Sneyd, for which she had been subsequently forgiven by her husband; and that she had afterwards applied to him for leave to visit the adulterer, promising that it should be the last time. Her bare promise, after the experience had of her conduct, was, his Lordship observed, but slender security for her future good behaviour, and there could not be much prudence in trusting her with this visit. However, the husband consented to it, and suffered her to ride to Birmingham, accompanied only by a female. She met the adulterer, they were left by themselves in a room for two hours, and then, instead of her returning, they went off in a post-chaise together, and lived afterwards in a state of open adultery. This consent on the part of Mr. Cecil, his Lordship said, had much the air of indifference about the morals of his lady; there was too much levity in it. It was at the very best, incautious and unbecoming behaviour. These points, however, he did not urge as the grounds of a positive opposition to the second reading of the bill, but he felt it to be his duty to lay them before the House. His Lordship owned he had considerable doubt upon the subject, but in this (as in all doubtful cases, he should wish to do) he said, he had taken the opinions of others of high authority in the law and of great weight in the Ecclesiastical Court, who on an attentive perusal of the whole of the evidence in this case, had declared, that if they had to decide on the subject, they should rather incline in favour of the divorce; having received that opinion, it bore upon his mind sufficiently to impel him to say, he should not oppose the second reading of the bill.

The bill was then read a second time and ordered to be committed for Monday next.

Ordered, That the Lords be summoned on Monday next, upon the motion of Earl Fitzwilliam.

Lord Grenville moved, "That the report from the Committee appointed to search for precedents in cases of impeachment, which now lay upon the table, be taken into consideration on Monday se'nnight."

Marquis of Lansdown.

The Marquis of *Lansdown* said, he rose, not to oppose the day mentioned by the noble Lord, because in fact, any day was quite the same to him, provided it was sufficiently

distant

distant to give noble Lords time to consider the importance of the question to be brought before them, and therefore he could have wished that the House had been fuller when the notice was given. As it was, he could not avoid saying a few words, upon the very serious nature of this question, and the consequences that were involved in the decision of it. His Lordship said, if it only merely concerned a Chief Governor of the East Indies, he certainly would not have troubled their Lordships with any thing to-day; but he considered the matter in a very different light, and as one of the most important and momentous that could possibly come into that House, in which their Lordships were particularly interested, and in the determination of which the people of England, and the constitution itself, were deeply and materially concerned, as it went to determine whether there was or was not any law in the nation by which their conduct was to be guided. He said, that a great many pamphlets had been written upon this subject, and he had read, if not all, most of them. This, the Marquis said, he was no ways ashamed to acknowledge, when he could add, that they came from the pens of such men as entitled them to attention and respect. Most of them were written by the lawyers, and he could not lose that opportunity of expressing his opinion that much ability, professional knowledge and argument, was to be found in them; yet, after complimenting very highly the profession itself, and the conduct of the lawyers on many occasions, which he respected much, he thoughr they had all along taken up the matter more in a professional than a constitutional mode of arguing. It became their Lordships' dignity, the Marquis said, to enter fully, and with much deliberation, upon so great and important a discussion; and he trusted, that every noble Lord, who had a right to sit in that House, would give it the most serious attention. If he did not strangely mistake the matter, no question could be agitated, that ought to command their attention more. The spirit of liberty, which the subjects of the country, both in and out of that House, boasted so much the enjoyment of, depended, in his mind, entirely upon those two points, the trial by jury, and the known law of the land; the preservation of, and adherence to which, certainly demanded every exertion of their Lordships and the country at large to support. With regard to the trial by jury, his Lordship said, the wisdom of their ancestors had in some measure deprived those who had a right to sit in that House of it, and substituted in particular cases the trial by impeachment, which constitutes part of the known law of the land, upon the nature and extent of which, their Lordships would soon be called upon to give their judgement

ment and solemn determination. For his own part, were he to be asked, (though the question could not be put to him, as the constitution of the country stood) whether he preferred the trial by jury or the trial by the law of the land? he should hesitate how to answer, or which to prefer. He concluded, by endeavouring to impress as strongly as possible upon their Lordships' minds the magnitude and consequences of the subject to be discussed, and the hopes which he entertained of a full attendance. The motion was then put by the Lord Chancellor, "That the Lords be summoned "for Monday se'nnight, to take into consideration the re- "port of the Committee of Precedents." Ordered.

Marquis of Lansdown. The Marquis of *Lansdown* then said, he hoped, as an order was made for summoning their Lordships, that it would be done in as exact and particular a manner as possible; and he trusted that no noble Lord, who had a seat in the House, would absent himself, except he could give a very serious reason for so doing.

Some private business was gone through, and the House adjourned till to-morrow.

Monday, 9th May.

Lord Porchester. Lord *Porchester* addressing himself to the King's Ministers, observed, that since the Indian war was discussed in that House, fresh communications had arrived from that quarter; he therefore wished to know whether it was the intention of His Majesty's Ministers to lay that information before the House?

Lord Grenville. Lord *Grenville* replied, that all the information which had been received was already before the public.

Lord Porchester. Lord *Porchester* said, that no official account had been laid before their Lordships, and as he conceived it to be the duty of Ministers to lay that information on the table, together with an account of the military operations and the state of the campaign, his Lordship said, he should make a motion relative to the subject on the first open day. Friday next was fixed upon for this motion, and the Lords were ordered to be summoned.

Earl Fitzwilliam. Earl *Fitzwilliam*, pursuant to the notice he had given on a former day, rose to state his reasons for wishing that the House might be summoned. What he meant to submit to the consideration of their Lordships, appeared to him to be of very great moment, and worthy of their most serious deliberation; or else he would not again have brought before them a question that he had troubled them upon before the recess. He meant the war which, by appearances, we were likely to be engaged in with Russia; a war that, as far as he could learn the sentiments of the country, and the opinion

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of thofe beft informed, as well as moft interefted in it, was the moft unpopular, impolitic, and inexpedient, that any country could enter into. When this fubject was difcuffed before the Eafter holidays, his Lordfhip faid, it was allowed to be of great magnitude; but he would appeal to their Lordfhips, taking into their confideration every thing that had happened during the intervening fpace of a few weeks, whether the fituation of affairs did not now more ftrongly induce them to make a minute inquiry as to the prefent ftate of affairs, even than at the time when it was brought forward. During the recefs of Parliament, an opportunity had occurred in different parts of the country, to know what they had reafon to expect from the clofenefs and fecrecy obferved by His Majefty's Minifters, and to forefee the confequences likely to follow, if we had the misfortune to be plunged into a war with Ruffia; a country, with which our fteady alliance, a connection for a confiderable time back, had been productive of the moft beneficial effects to our trade and manufactures.

His Lordfhip faid, he thought himfelf juftified in ftating this, from being poffeffed, both by private information, and refolutions that were publicly known, of the fentiments which prevailed at Manchefter, Norwich, and the Weft Riding of Yorkfhire, places which certainly, from the very great extent of their trade, particularly with Ruffia, were entitled to the refpect and attention of that Houfe, and of the country. His Lordfhip confidered the Ruffian trade, upon the moft accurate information that he could obtain, to be greatly in favour of this country; the imports he eftimated at one million and a half, and the exports as nearly 400,000l. and although it might at firft fight appear, that the import trade, being fo great, was againft this country, yet when the different articles of trade were examined into, and the ufe which this country made of them, being raw materials, which were manufactured here, and afterwards fent back to Ruffia, or exported elfewhere, it would be found, that the trade was very advantageous indeed for Great Britain. The papers on the table from the Cuftom Houfe, and other documents, furnifhed him with proofs of what he afferted.

The principal articles of importation, his Lordfhip ftated to be tallow, bar iron, hemp, and deals, a very minute detail of the value of which, and the revenues arifing from them, he ftated very correctly to the Houfe, and argued very ftrongly upon the importance of the trade with Ruffia, the total lofs of which was certain, if we went to war, and ought to weigh much, when even Minifters themfelves did not pretend that any poffible advantage could accrue

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even from a successful war. The address to the King, which he meant to move before he sat down, was meant to convey to His Majesty the sentiments of the country, relative to this war, and to obtain, if possible, some more decisive and certain information than His Majesty's Ministers were inclined to give, upon a point which the country was so much interested in, and had so good a right to demand satisfaction upon. In the former discussion upon this subject, his Lordship said, the noble Secretary had assured the House that a war with Russia, if it did happen, was not the consequence of any subsisting treaty; farther than this, their Lordships had received no official information whatever, but confidence of the most implicit kind had been demanded by Ministers, and in some measure given to them, though it had not met with the return on their part that might have been expected; for they had never hitherto given the smallest degree of satisfaction to the country, for their conduct at a period when the public had reason to be much alarmed about the consequences, and had an undoubted right to call upon them for information. His Lordship spoke so low that we are sorry it is not in our power to follow him through a very able and interesting speech, which he concluded by moving,

"That an humble address be presented to His Majesty, "to entreat His Majesty to take into his serious considera-"tion the material injury, that the manufactures and trade "of this country will sustain from the interruption of the "friendly intercourse and good understanding that has so "long subsisted between Great Britain and Russia. And to "beseech His Majesty not to hazard the advantages of such "friendly intercourse, and the inestimable blessings of peace, "by a hostile interference, for the purpose of effecting any "arrangement respecting Oczakow, and the uncultivated "districts adjacent; as we humbly conceive that in such "arrangement, neither the political nor the commercial "interests of the country are concerned."

Lord Grenville.

Lord *Grenville* rose as soon as the foregoing motion had been made, and prefaced what he was about to say, with observing, that he did not mean to go into all the matter, which the noble Lord had introduced into his speech, because from the situation he was in, it would be exceedingly improper in him to enter into any explanation, pending a negotiation, that might tend to interrupt or interfere with that negotiation; and he therefore thought he was by no means bound to say more than was consistent with his duty, in answer to the noble Lord. Much had been said about the trade with Russia, which his Lordship allowed to be of very great importance, though he would not agree to be exactly as the noble Lord had stated, with regard to the importation

and exportation. Information on that head, taken from the Custom House accounts on the table, might at any time be fallacious, and therefore were not to be argued upon. Indeed they generally were erroneous, and always imperfect; because the means of obtaining a just knowledge of both importation and exportation, was either by the voluntary account given by the parties, in which case, with the one it was their business to say what suited themselves, and, with the other, their interest to evade speaking all the truth. However, the importance of the trade was certainly not the only point to be considered in a negotiation like that in which we were concerned; nor could it be any ways against our commerce or manufactures, that the balance of power, as well as the balance of trade, was properly looked after; and whatever regard noble Lords might have, or whatever fears they might express, for the Russian trade, there may be other political objects that were worthy of the attention of Ministers, objects that depended upon the relative situation of this country with others in Europe, which, were they to be overlooked, might be of far greater, and mere alarming consequence, than mere commercial interests could be. The trade of Great Britain, with every other country, he considered of much importance, and therefore, in proportion to the value of our trade with any country, ought our attention to be drawn to measures that would maintain and protect that commercial interest, which could not be done without a strict regard to objects that certianly were as much, if not more, political than commercial.

Agreeing to the address proposed, would, his Lordship said, in his mind, be putting so much stress upon the Russian trade as to decide, that Great Britain was dependant upon Russia, a question that he trusted noble Lords could never decide upon in that manner, whether they agreed with the noble Lord, as to the importance of the trade, or not, to the extent which he wished to have it esteemed. If for other objects it might be necessary to go to war, he did not see that we had any commercial reasons that ought to prevent it, if such objects could be obtained; and even if war should occasion a suspension of trade with Russia, which he did not believe it would, he asserted that the trade, which we might carry on in other quarters, would be fully equal, if not greater, in beneficial effects to this country. His Lordship denied that this country was favoured by Russia in any one branch of commerce; and contended that those consumers who were served by Britain through the means of Russia, would be better supplied always by Great Britain than any where else, and of course, that

that we never would lose that trade, though the channel of conveyance might be altered. An alliance with Pruſſia, which enabled us to carry on the ſame trade by the means of a connection with Poland, he thought, would be much better. Upon the whole, his Lordſhip argued, that it would be neither wiſe nor politic to forbear going to war at any time, merely on account of any trade; and he would venture to aſſert, that the greater length to which we extended our commerce with any country, made us the more dependant on that power. As to confidence, he thought their Lordſhips could not be accuſed, by reſiſting the preſent motion, of raſhly and wantonly hazarding a continuance of that confidence, during a negotiation after which they had already decided not to withdraw it from the ſervants of the executive government. His Lordſhip concluded, with ſaying, that he thought the arguments of the noble Earl inſufficient to form a ground for an addreſs to His Majeſty; and he ſhould therefore oppoſe the motion.

Lord Rawdon.

Lord *Rawdon* expected that the noble Secretary would have been more explicit in his anſwer to the motion, which his noble friend had brought forward with ſo much credit to himſelf; more eſpecially as his noble friend had, on a former occaſion, preſſed him ſo much to give the neceſſary information which the Houſe had a right to from His Majeſty's Miniſters, by a motion ſimilar to that now before their Lordſhips. As to what the noble Secretary had been brought to ſay on this ſubject, his Lordſhip ſaid, he was far from joining with him in what he ſtated formerly, or to-day, which he conſidered as a continuation of the ſame debate, wherein Miniſters had offered no arguments which could give conviction to any man that their conduct was politic, wiſe, or expedient; nor had they given any official information that could be ſatisfactory, at a time when, of all others, the public were moſt entitled to ſatisfaction. When a great armament was going forward, and every apparent preparation for hoſtilities, that would plunge the country into an unexpected and unjuſt war, againſt a power with which we had been long and proſperouſly allied, and thereby entail the moſt ſevere and dangerous calamity upon the country; at the ſame time they thought it not only unneceſſary, but abſolutely refuſed to give any one ſolid ground, or ſerious argument, in favour of their proceedings. All that could be learned, and that not from Miniſters, was, that they were arming and carrying on hoſtile meaſures to bring about an agreement to ſome certain, violent, arrogant, and unreaſonable requiſitions, which, if not granted, muſt provoke and occaſion war, which he differed very widely

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from the light and indifferent manner in which the noble Secretary treated our trade with Russia, and reprobated the stagnation and uncertainty in commercial affairs which had taken place in consequence of the measures now pursuing.

One piece of information, his Lordship said, the country had been favoured with lately, which he could not pass over unnoticed, it being not less remarkable in its nature than extraordinary in the method in which it was communicated. By the message which the Russian merchants had received from Government, they were told that they may carry on their trade till such a day; or rather, that there was a great probability that they can be in no danger to navigate their ships to and from the Russian ports, till the end of one month or the middle of another. This was a communication, he believed, the most uncommon and eccentric that had ever come from any Government to a trade which it wished to protect; and publishing it was certainly as wild and impolitic a measure as any Administration ever adopted; because, in this case, we must, in all decent policy, suppose it to be the opinion of Ministers, that when this period expires, war may commence; and if it did, there is nothing more likely than that the Russians would begin the war by capturing all our vessels and seamen in their ports. The absurdity of this proceeding his Lordship stated in a very striking and pointed manner. As to what had been said in this and former debates, about our interfering by way of mediation, of this he must say, that our mediation was being decidedly partial to one power, and making an unreasonable demand upon the other. The conduct of His Majesty's Ministers on this occasion, put him in mind of the insolence of Lewis the Fourteenth, which disgusted all Europe. The loss of our trade he considered of the greatest importance; and when he wished to impress their Lordships with his sentiments upon the dangerous and destructive measures that Administration seemed to follow, in defiance of the opinion of the commercial and landed interest, and without deigning to give any explanation of their conduct, he did it not merely for himself, nor that House, but for the country at large; as the country must suffer materially, by sacrificing the certain and valuable advantage of a great trade with Russia, for speculative reasoning, unsupported either by fact or argument, which was precisely the situation of the country opposed to the conduct of Ministers.

It was said, that we were bound by no treaty to interfere in the dispute between Russia and the Porte, and the sole cause of the war, if it did happen, was because Ministers thought it expedient, and our implicit confidence in them must induce us to take that for granted. Now, his Lordship

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said, he would much rather they had declared that there was some secret existing treaty, or article of treaty, upon which they acted; although it might be such a one as they were properly ashamed to avow, still he would say, let it be adhered to; and however much he might condemn those who had framed it, if they had committed themselves, let them not go back, nor disguise their proceeding, by denying what they were not willing to avow; or else let them shew the expediency of the war, and that it did not originate from the arrogant tone of their demands and threats. In the situation which he had stated, his Lordship said, if any such article or treaty existed, he could comprehend their secrecy, though he did not approve of it; but otherwise, as they pretended to be, except they were more explicit, this country had little satisfaction in their secrecy, and foreign nations could have little reliance on their honesty.

In the present state of affairs in Europe, as far as it is known in all other European Courts, his Lordship contended, that the unaccountable secrecy of Ministers could not be advantageous to the interests of Great Britain. He then adverted to the rescript between Prussia and Denmark, which states the demand of the Empress to be merely the fortress of Oczakow, and the adjacent uncultivated tract of country, and that with a defensive view entirely, and to prevent its being in the possession of the Turks, who, if they had it, might at any time invade the Crimea. He denied that Russia could wish to have it for any offensive purpose, and if we contended that the Turks should possess it, instead of forwarding the means of general tranquillity, we should be doing quite the reverse; and while we pretended to be resisting Russia, for the prevention of future wars, we were taking steps that would be productive of the contrary effect. His Lordship here described the situation of Oczakow, its defensive utility to Russia, and the impropriety of putting it into the possession of the Turks, as well as the unreasonableness of requiring that Russia should give it up. He reprobated, in strong terms, the hostile interference of Great Britain, by which she seemed inclined to keep open the vein that had been gushing for so many years, and instead of mediating for peace, to continue a bloody and destructive war. He again touched upon the trade, manufactures, and commercial interests of the country; the great importation of raw materials from Russia, and the return which this country had when they were exported manufactured, at least to be tenfold.

With regard to the consequences of war, he said, their Lordships, perhaps, might not feel them so much on their own account; yet he knew they must feel for the little distresses that every additional burden must bring upon the lower

orders of the community; and certainly, the privation of any of the blessings which they enjoyed, must be matter of serious and affecting regard to every feeling heart. From that class, his Lordship came to the next distinction, who likewise would be much affected by the calamities of war, especially by which our manufacturing and commercial interests were so much endangered; and these were, such as are possessed of estates from three hundred to six hundred pounds a year; a very respectable and useful part of society, who served as Magistrates, and guardians of the public peace; these, he said, would be sufferers; and it was always the duty of Parliament to attend to the welfare and prosperity of every distinction of men in the kingdom, and thereby promote the general prosperity of the whole, to which, he asserted, the preservation of peace to be essentially necessary.

Lord Mulgrave

Lord *Mulgrave* said, he did not mean to follow the noble Lord over the great extent he had gone; nor did he think it necessary to dwell much on the situation or importance of Oczakow to the Russians or Turks. In answer to what had been said about secrecy and concealment, and that personal considerations, more than public good, were the motives of His Majesty's Ministers, this he knew was not the case. They had likewise been accused of arrogance and insolence equal to that of Lewis the Fourteenth, which had disgusted all Europe; but he denied that the comparison was just. With regard to the negotiations, it was well known that there were two sorts of mediation between contending powers: the one, when their interests and situations were equally concerned and affected by the conclusion; the other, when it was the interest of one power to offer mediation between two others, to preserve that balance; which was safest and best for all. And in this last view, he considered the propriety of our alliance with Prussia, and the line of conduct pursued by His Majesty's servants in their negotiation, as far as it was known, with Russia, at the same time approving of the secrecy and silence which they had so properly, in his opinion, studied.

In arguing this subject, the noble Lord said, it had been too much the custom to address all questions, more to the fears than the wisdom of the House. The difficulty of sending fleets to the Baltic, and of finding Commanders, had been stated; but such was his opinion of the fleets and officers of the British navy, that he had as much reliance on their exertions, when called on this service, as they ever had merited before; and it was, he contended, to the strength of our arms, and the vigour of our councils, more than to arguments and opinions, either in or out of doors, that we should owe our success in negotiation as well as war. His Lordship

ship said, he was not so much afraid about the trade of the country as some people were; he believed that other countries knew their reciprocal advantages in trading with Great Britain, and would be as anxious to preserve it as we could be. He considered the commercial transactions that we might have with Poland, as equal in importance, if not greater, to any share of the Russian trade which we might lose. He concluded with saying, it had been well known that Russia, ever since she had emerged from barbarism, about two hundred years ago, had been pursuing one regular scheme of ambition to extend her conquests far and wide. Under these circumstances, he thought she ought to be checked in her progress, and for that reason, his Lordship declared, he would oppose the motion.

Lord Stormont. Lord *Stormont* said, it was impossible for him to give a silent vote on so important a subject; he should not, however, address himself to their Lordships' fears, but to their wisdom. The noble Secretary of State had spoken in such general terms, that he too was under the necessity of arguing more generally than the noble Lords who had preceded him. Confidence, and a regard to the general system, were words graceful in utterance, and high sounding in debate; but when they came to be examined, conveyed very little information. Indeed, so little information had their Lordships on the subject, that what was known to all Europe, they knew only by public notoriety. They knew, however, by the rescript of the Court of Denmark, what the demands of the Empress were; that of all her conquests, she desired only to retain Oczakow, and the adjacent territory, and that this was all to which we could object.

Our trade to Russia was of great importance, amounting to a million and a half of import annually, and this of the most advantageous kind, being either articles of necessary consumption, or the materials of valuable manufactures. It was vain to say, that this trade must not suffer by a war; for although in former wars, by our general superiority at sea, we had been able to protect our trade, it was too absurd to suppose, that after commencing hostilities against Russia, we should send our merchantmen into her ports. Now when the value of this trade was considered, and our interest in who should possess Oczakow, the object for which it was to be sacrificed, was he addressing himself to their Lordships' fears, or to their wisdom, in desiring them to weigh well the grounds on which it was proposed to involve this country in a war? With regard to the probability of this war, their Lordships had no documents to argue from. They knew nothing but the strange communication to the Russian merchants, which was so extremely indecisive, that it had not

altered the price of insurance. It afforded this important information to their Lordships, and to all Europe, that our Ministers had submitted a peremptory proposition to Russia, to which they expected an answer, and that they held the keys of the Temple of Janus in their own hands, to keep it open for war, or to shut it for peace. Since they had attained this elevated situation; since, like Jove, they had by their side the two vessels from which good and evil are distributed to mankind, it were to be wished that they would mix up a portion of both in the cup, instead of dealing but war and misery, without any thing to sweeten the bitter draught. But Oczakow was only the ostensible object. From the whole train of the negotiations, (a secret no where but in the British Parliament) it was clear, that the real end in view was, to obtain the acquiescence of Russia to the seizure of Dantzic and Thorn by Prussia. The Prussian Minister, of a disposition neither to be quiet himself, nor to suffer the world to be quiet, presented this object to the King, and this object we were to aid in accomplishing. As the basis of a commercial treaty with Poland, we possessed the cession of its only ports. This proposition his Lordship reprobated in the strongest terms, and said, if acceded to, it must be the ruin of Poland. He had resided in that country, had many connections in it that were dear to him, and he should regret to see such an event take place. The Polish Diet, however, not always distinguished by the temperance of its counsels, had seen the consequences to be expected from this proposition, and wisely decided against it. Ministers were now endeavouring to explain it away, in a manner not the most becoming, by attributing it to Mr. Hailes, the Ambassador at Warsaw, as if he had gone beyond his instructions. His Lordship said he had not the honour of knowing Mr. Hailes, and could have no interest in undertaking his defence: but he was satisfied, from a consideration of all the circumstances which had come to light, that he had acted in conformity to the general tenor of his instructions. The cession of Dantzic and Thorne to Prussia, was not of so little importance as they seemed to think. To preserve Dantzic in its former situation had been thought worth the interference of this country by the Duke of Marlborough, Lords Godolphin and Somers in 1727.

He warned Ministers of this sort of mediation which they had undertaken, as totally unprecedented. If they referred to their own act with respect to the Emperor in the conferences at Reichenbach; that, though a bad authority, would not bear them out, because the Emperor was under great difficulties, and the recovery of the Belgic provinces was considered as an equivalent for the giving up his conquests. Of

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our interference between the Emperor and his subjects he would say nothing, persuaded that it was a scene from which no friend of Ministers would wish to draw the veil.

The result of the present measures, his Lordship said, might be considered in three points of view, and in neither to the honour or advantage of this country. They might terminate in a war, in which we should sacrifice the treasure and the commerce of the nation to the views of Prussia. Russia might accept of our terms under a modification, and the tract of country adjacent to Oczakow might be reduced to a desert. It would be a great consolation to the labourer and manufacturer of this country, who was already deprived of the wholesome beverage by which the waste of daily labour was repaired, to be told, when called upon to pay fresh taxes,— "You are reduced to drink water, it is true, but we have "made Budgiac Tartary a desert, and you may be assured, "that as long as this treaty lasts, the waters there will flow "untasted by man, or any animal employed by man." If we should be obliged to recede from our demands, and allow the Emprifs to make peace on her own terms, we should then incur the disgrace of having interposed without effect, of having expended our money in an armament which we were afraid to use, and of having held a dagger to the breast of a foreign power, which, however we might strive to cover it, was a dagger still.

Marquis of Lansdowne.

The Marquis of *Lansdowne* began with paying some compliments to the noble Lords who had already spoke on the question; after which he proceeded to state that our commerce with Russia was not, as had been attempted to be proved, of a nature which could be supplied. The article of hemp could not, he said, be got from any other country. It had been tried indeed to raise it in America, and he had been an encourager of such experiments. But after all their endeavours it was found that the hemp which was raised in our Canadian settlements was by no means equal to the hemp of Russia. It had been urged indeed that Russia found its advantage in the trade which it carried on with this country.— And so it was to be wished every nation might, with whom we were connected in commerce, as it was only from considerations of interest that any people could be induced to carry on a trade.

His Lordship remarked that the Commercial treaty had not been renewed with Russia. Yet it was the wish of the merchants of this country that it should be renewed. Several had suffered considerably in consequence of the renewal not having taken place, and one House in particular had lost six thousand pounds annually. All the advantages of the Russian trade we were required, however, to abandon on the principle

principle of confidence. This doctrine of confidence had been but lately introduced, and he could not help thinking, that it was carried to an improper and unwarrantable length. This modern confidence led to perſonality, which ſurely did not belong to the conſideration of the Houſe. It was neceſſary to examine the character, abilities, and even age of a man, before it could be aſcertained how far he ought to be truſted. Theſe were points, his Lordſhip ſaid, which a maſter might examine in employing a ſervant, but which did not fall under the province of the Houſe with reſpect to Miniſters. Their buſineſs was only with the Crown; with meaſures, and not with men. The principle, that public opinion ought to be conſulted in oppoſition to the doctrine of confidence in individuals was not new. It was not borrowed from the French national Aſſembly. Tacitus, in his account of the ancient Germans, our Anceſtors, mentions that it was cuſtomary to aſſemble the whole body of the people in order to conſult them on public occaſions. To this period, indeed, had ſucceeded a ſyſtem of Machiavelian politics. But we were now arrived at a better order of things. The preſent was an age of free inquiry and liberal diſcuſſion. And politics were not meaſured by any narrow rule of prejudice, but by the broad ſtandard of general opinion.

It was a ſingular circumſtance, his Lordſhip ſaid, that almoſt all the information which was wanted in this Houſe was publiſhed in the Berlin Gazette. The King of Pruſſia, arbitrary monarch as he was, thought fit ro publiſh to the garriſons of Potzdam and Berlin thoſe facts, which our Miniſters would not even condeſcend to communicate to Parliament. He was not now afraid of Oczakow. He was only concerned about the general ſyſtem of things. That buſineſs, though no thanks to Miniſters, was completely abandoned. That place was of no conſequence to the general balance of Europe. Their attempts, with regard to it, Miniſters durſt no longer purſue,—they knew they durſt not. The Marquis ſaid, that juſt as he was leaving his Houſe, he had received a packet of reſolutions, by which it appeared, that Mancheſter was in a flame on the bare apprehenſion of a war. The ſame ſpirit had diſcovered itſelf in Norwich, in an oppoſite part of the country. In ſhort, the oppoſition was ſo general, that none approved of the preſent meaſures, except thoſe who were particularly connected with Miniſtry.

It was rather a curious reaſon, the Marquis ſaid, that had been aſſigned for the propriety of quarrelling with Ruſſia, in order that we might render ourſelves independent of that country in trade. And here were we to form connections with Pruſſia and Poland, to make them produce for us hemp and other articles, which they did not at preſent grow, and

all in order to establish to ourselves the same, if not greater dependance upon them, than at present we did upon Russia. The present King of Prussia was a brave and generous Prince. He gave the most flattering indications that he would be a great and philosophical monarch. His Minister likewise, was equally distinguished by talents and integrity. Both, he believed, were attached to the English nation. But though under such a Prince, and such a Minister, we had little to fear, yet in the event of such dependance, we might reflect what we may have to expect from future Kings and Ministers, who might be differently disposed to this nation.

It had been stated by a noble Lord, that the British navy was full of ardour, and ready to embark in any enterprize. No doubt could be entertained of the courage of the British navy, the Marquis said, nor had any imputation been attempted to be thrown upon it. The British navy certainly formed the most gallant military in the world; but this very circumstance ought to be a reason why their valour should not be wasted in vain and pernicious enterprizes. It had been said by the same noble Lord, that nothing would stop their progress, and that those difficulties and obstacles which had been suggested, were only the offspring of ignorance. But they could not effect impossibilities. They could not convert shallows into deeps, they could not make sea of rocks. In 1757, when this country was very desirous, and had even pledged itself to afford naval assistance to the King of Prussia, the measure was given up as impracticable, as it was deemed impossible, in the opinion of the most experienced Admirals to defend the Prussian coast by a fleet.

There was a circumstance, his Lordship said, which induced him to support the present motion, and this was, that the King might, through the organ of parliamentary discussion, become acquainted with the sense of his people. His Majesty was moderate in his views; the present violent measures, which were pursued, could appear only to originate from Ministers. It was proper, therefore, that on a business of so great national importance, His Majesty should be fully informed of the opinion of his subjects. The principal object which he believed was in view on the present occasion was, one which he was almost ashamed to mention—in order to put Prussia in possession of Dantzic and Thorne. When this circumstance had taken place, this country would be rendered completely dependant on Prussia. A most extraordinary pamphlet had been published, which, though it was a pamphlet, was generally understood to be the work of our Minister, and as such had gone over the whole of Europe. The principle points which it undertook to prove were,

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"1st, That this country was the greatest in the world.
"2dly, That we were the greatest commercial country in "the world.
"3dly, That we loved Poland excessively.
"4thly, That we hated the King of Prussia.
"5thly, That this was the time of taking in the King of "Prussia, by forcing Dantzic and Thorne upon him, and
"6thly, That if we did not seize the present occasion of "taking him in, we should not have another opportunity."

These two last points had been made out upon the supposition that it was very much against the interest of the King of Prussia to obtain possession of Dantzic and Thorne; that the late King was very much averse to the measure; and that it was necessary to take advantage of the eagerness of the present monarch, in order to force the possession upon him, lest he should be induced to change his mind. Such cunning, not to give it a harsher name, the noble Marquis said, might at least be styled youthful. But, perhaps, Lord Godolphin, the Duke of Marlborough, and Lord Somers, who in 1727, had determined the protection of Dantzic to be an object of such importance to this country, might appear to the present Ministry to be superannuated. Perhaps the late Lord Chatham, who, in 1767, had given proofs of the same way of thinking, might appear in the same light; yet it was rather strange that, while we wished to establish a trade with Poland, we should be taking measures to deprive them of the only sea-port which they possessed!

Armaments, his Lordship said, had lately been a source of the most enormous expence. No sooner had provision been made for defraying the expences of one armament than another had been announced. But, in the present state of the country, oppressed with debt, exhausted with taxes, whence were the future means of defraying these to be provided? They were to consider of their ability to meet the exigencies of the country. It no doubt would fall upon them to contribute a part of their fortunes. The opulent Commoners, who were to be considered in the same light, would likewise bestow their quota. But what, in the mean time, as had been remarked by a noble Lord, was becoming of that respectable and valuable class of the community, those gentlemen of small fortunes in the country, who discharged the functions of Magistracy and police? By the latest accounts it appeared that they were almost all driven from the exercise of hospitality, and were emigrating into town, in order to educate their children, and board as cheaply as possible. Every day it appeared that some house was breaking up. The ancient order of Yeomanry, between the farmers and country gentlemen, was now completely extinguished. There was

ſtill a body of rich farmers, but theſe depended entirely on the extent of their capital. The peaſantry, it appeared from the report of phyſicians, in conſequence of their reduced living, were falling the victims of putrid diſtempers. The price of ſalt, that uſeful and neceſſary article, was become exceſſively high; beer, that innocent and wholeſome beverage, already ſo often taxed, had lately been burdened with an additional impoſition; ſoap, candles, leather, all theſe articles, ſo indiſpenſable, had likewiſe received additional impoſitions.

The ſcheme of the ſinking fund, indeed, his Lordſhip ſaid, he ſhould always approve, as there was no laudable part of the meaſures of Adminiſtration to which he would refuſe its juſt praiſe. The ſinking fund, however, he muſt obſerve, was the reſult of the labours of the late Dr. Price. He loved the man, and took this opportunity to do juſtice to his memory. Taking together his opinions and his abilities, he had not left a worthier or a greater citizen behind him. If his religious opinions had given ſome cauſe of exception, it was only becauſe they were not rightly underſtood. But though there is a ſinking fund, where is the war fund? aſked his Lordſhip. Where is the fund that is to ſupply the expences of ſo many armaments? It was to be feared that what had occurred to Sir Robert Walpole, who had ſeized his own ſinking fund, would again happen, and that ſome Miniſter, in a moment of alarm and exigency, would ſeize upon the ſinking fund; in which caſe the event muſt be national bankruptcy.

We had already, the Marquis ſaid, had four armaments: an armament againſt Holland, an armament againſt Spain, an armament againſt Ruſſia, and an armament againſt Tippoo Sultan. Of the armament againſt Holland, he would ſay nothing; he truſted it would become the ſubject of future diſcuſſion. The armament againſt Spain had already received the approbation of the majority of this Houſe, who ſeems in this, as in ſome other inſtances, to have differed from the minority. The preſent armament againſt Ruſſia was pregnant with the moſt miſchievous and dangerous conſequences; yet he was apprehenſive, his Lordſhip ſaid, that if the buſineſs ſhould be patched up in any way, as had happened in the caſe of the convention with Spain, all diſcuſſion would be declined, and all inquiry neglected. The armament in India, though we could immediately put an end to the war in that country, had already coſt us twelve millions; and where it might end, God only knows.

The Marquis ſaid, he would conclude, with a few words on the revenue. He was in no pain, with regard to the receipt; it was ſufficiently large. But, as we had hurt the ex-

ercife of our criminal juftice, by rendering our punifhments fo fevere, that no Judge could execute them, fo we ought to take care that by ftraining too much our receipts, the ftring might not break. He would recommend to His Majefty's Minifters to watch over the expenditure. Since the year 1783, not only had the expence increafed 1,200,000l. in the eftablifhment of India, but every department of Government had been carried on at an increafed expence. It was neceffary to curtail thefe expences, elfe what would be the confequence? It became the Houfe to recollect, that it might fall upon them, on fome future occafion, to defray the expences of the prefent meafure of Adminiftration. It was incumbent on them therefore now to examine how far thefe meafures were confiftent with prudence and with juftice.

Lord Hawkefbury.

Lord *Hawkefbury*, in reply, faid, that all the articles of our commerce with Ruffia, except hemp, might be obtained from other quarters, though, indeed, not fo cheaply. The advantages in the hemp trade between Ruffia and this country were mutual; if fhe fupplied us with the commodity, we furnifhed her with a demand. The confidence that was required, his Lordfhip faid, had nothing to do with the perfonalities enumerated by the noble Lord. It was the confidence of experience granted to former meafures, and to tried conduct. A Berlin Gazette was not a proper authority upon which to reafon in this Houfe. He had not feen the pamphlet afcribed to our Minifter in Poland, and could therefore fay nothing on the fubject; though he muft own he confidered this rather as an aukward fource from which to bring any charge upon Adminiftration. His Lordfhip concluded with acknowledging that he placed the greateft confidence in the prefent Miniftry. and when he confidered the abilities that had been difplayed, and the fuccefs that had followed in the conduct of the difpute with Spain, he could not but hope an equally happy iffue to the prefent bufinefs.

The queftion was put, and the Houfe divided:

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The Houfe adjourned.

Wednefday, 11th May.

The Houfe in a Committee, on Mr. Cecil's Divorce bill, Lord Cathcart in the chair,

Mr. Graham appeared on behalf of the lady, and pleaded for a more liberal allowance than that prefcribed by the bill.

Mr.

Mr. Bower, on behalf of the husband, stated that the estate and property were so much diminished, that no farther allowance could be made.

Lord Coventry, upon the reading of the settlement clause, moved an amendment in favour of a farther allowance, on account of the large fortune which she brought her husband.

Ld. Chancellor. The *Lord Chancellor* resisted the clause. He said, the law of Parliament must be equal. Do not, said he, "let an "adulteress, who happens to be allied to noble Lords in this "House, expect any other measure of justice than a com- "mon person in the same criminal situation had a right to "expect. The measure of their guilt ought to be the cri- "terion; and not the powerful alliances which they have "in that House."

The bill, after several observations by Lord Coventry and the Lord Chancellor, was read over clause by clause, and with a few slender amendments passed the Committee. Ordered to be reported on Friday.

Some other business was dispatched, and the House adjourned.

Friday, 13th May.

The order of the day being read for their Lordships to be summoned,

Lord Porchester. Lord *Porchester* rose and said, that the object of the motion which he meant to make, was so clear, and so simple, that very little was necessary to be said, in order to explain it, and when it was mentioned, its propriety would be so evident, that he conceived it could create no debate, and meet with no opposition. His Lordship said, there had a conduct lately been adopted by Ministers, of concealing as much as possible, all information from the Public. This conduct they had particularly adopted, with regard to the late events of the war in India. From this the Public might, at least, be sure, that they had not been successful: if that had been the case, we should have heard nothing but the shouts of victory, and the exultation of triumph. But whatever the events were, they ought not to have been concealed. Parliament, and the Public had a right to such information, concealment was unfair; it gave persons in office, who were necessarily acquainted with those events, which were kept back from the knowledge of the Public, a very undue advantage of speculating in the public funds. The measure of concealment was highly unconstitutional. It was enforcing from the Public a demand of blind confidence. It was requiring, that at the beginning of every war, they should surrender their purses with their discretion, into the hands of Ministers. Unhappily Parliament had already approved of the war in India.

dia. But ought they not to be informed of the course of events, in order to be enabled to regulate their future judgement, and, perhaps, interpose to put a stop to a war, which in its consequences threatened to be so ruinous to the country? We were to consider, his Lordship said, whence the expences of the war were to be defrayed. We were to consider, likewise, the situation of this country, already exhausted with taxes; and we were to conclude how far it was expedient, that those taxes should be increased by a war, about the conduct of which we were allowed to remain ignorant. His Lordship inveighed in general terms against the rashness of Ministers in having plunged the country into a war, which was altogether inexpedient and unnecessary, and which had no other object but ambition and avarice, pride, and plunder, and concealing the events of that war, monopolizing the information they received, and thence subjecting the Public to be robbed and plundered by stock-jobbers. His Lordship considered Ministers as the authors of the war, and condemned them in severe terms; he declared, however, that he meant no particular board or individual among them; it was Administration in general to whom he imputed the blame of having unnecessarily involved us in a most dangerous and expensive war. Before he sat down, he said, he understood that advice had that day been received, which stated that our arms had met with important success on the Malabar coast; if the fact were so, he was exceedingly glad of it, because, notwithstanding he condemned the principle of the war, and was persuaded that nothing like an argument could be adduced in justification of it, he must ever rejoice at the success of our arms, although no temporary success could alter his opinion. The events of war were uncertain, and though we might hear good news one day, the next might bring us advice of the success of Tippoo Sultan, to a degree alarming to our existence in India: of one thing, his Lordship said, we were already certain; viz. Of the durability of the war far beyond those sanguine expectations which Ministers had held out to their Lordships, when the war was first announced to them. His Lordship then read his motion, the substance of which was, "that there be laid before that House, a continuation of copies or extracts of the correspondence from "the Governments of Bengal and Madras, on the subject "of the present war with Tippoo Saib."

Lord Grenville

Lord *Grenville* rose to oppose the noble Lord's motion; and this, he said, he did, without feeling any of that difficulty, which the noble Lord might possibly imagine he had thrown upon him: but before he did so, he would just observe, that it had ever been usual when papers were moved for, that some parliamentary ground should be laid before the House

for

for fuch a motion, and that the ufe that was meant to be made of them fhould be previoufly explained. The noble Lord had laid no fuch parliamentary ground for his motion, but had merely ftated that he called for the papers from motives of curiofity. With regard to the tranfaction in India, his Lordfhip faid, a very full and fatisfactory account had been laid before the Public, in a letter from Colonel Floyd, (who commanded the detachment which fo gallantly cut its way through Tippoo's army, and effected a junction with the main body of our forces under General Medows's command,) which had been immediately, on the arrival of the news, fent to every newfpaper in London. That letter, his Lordfhip faid, contained the beft and moft clear account of that important tranfaction, and the reafon why the letter had not been publifhed in the London Gazette, was owing perhaps to an overftrained delicacy in his Majefty's Minifters, who did not think they were entitled to publifh Colonel Lloyd's letter, in the Gazette, as it was a private letter, written to a private friend, and not an official letter. With regard to the general obfervations on the war in India, which the noble Lord had made, Lord Grenville faid, he had taken up fo much of their Lordfhips' time, when the fubject was lately under their difcuffion, and fo fully explained his fentiments upon it, that it would be unneceffary for him to trefpafs again upon their Lordfhips; he would therefore only fay that he agreed entirely with the noble Lord that Minifters would be highly blameable if they withheld from Parliament or the Public any information they received relative to the war in India, which could be communicated with fafety to the country, and that he fhould give his negative to the motion.

Lord Porchefter

Lord *Porchefter* rofe again in order to anfwer the complaint, that he had not laid any parliamentary ground for the motion. It might, his Lordfhip faid, be owing to his inaccurate mode of expreffing himfelf, that his meaning had not been clearly underftood, but he conceived he had laid a parliamentary ground for his motion by ftating, that his object was to obtain papers that would give their Lordfhips and the Public an authentic account of the ftate of military tranfactions in India, as far as they had been received up to the prefent day. His Lordfhip then repeated fome of his former obfervations.

Thefe being, as well as the arguments urged by the reft of the noble fpeakers, nearly to the fame purport as thofe made ufe of by them on Lord Porchefter's former motion on India affairs, a fummary account of the principal points on which they dwelt will only be needful.

A paufe

A pauſe of a few ſeconds having taken place at rhe concluſion of the laſt ſpeech,

The Earl of *Carliſle* roſe, and ſaid, that he had ſat ſilent with the aſtoniſhment which he felt, that Miniſters ſhould have prevailed on themſelves to refuſe the papers aſked for; though indeed, when he conſidered the diſreſpectful manner in which they uniformly treated that Houſe, and the ſyſtem of ſecrecy that they had adopted in all matters reſpecting which Parliament had a right to be informed, he need not have been ſurprized at all. His Lordſhip animadverted on the conduct of Miniſters in circulating an unauthenticated account of an important event of the war in India, through the uncertain channel of a common newſpaper, and having withheld from the Public the contents of their official diſpatches, in which there muſt have been more news of the ſtate of the war, and the proſpect of its ſucceſs, at the time the diſpatches were ſent away, than the ſtatement of a ſingle action. The noble Earl ridiculed the Miniſter's propenſity to war, and ſaid, when the country was involved in war on ſuch ſlight pretences, as had been taken for the war in India and the quarrel with Ruſſia, there was no ſecurity for our being ever at peace, or without the expence of arming. He maintained, that our pretending to arm againſt the Empreſs, merely becauſe, after great ſucceſs in a war into which ſhe had been forced, ſhe choſe to retain one of the many places that ſhe had taken, the holding of which was eſſential to her ſecurity, was the moſt unjuſtifiable proof of the Miniſter's rage for war that hiſtory could furniſh. Upon a pretext equally good he could provide him with another war, a war with the Venetians. The Turk they knew had demanded to have ſome guns from the republic of Venice. Might not we take it in our heads to ſend a fleet into the Adriatic, and inſiſt on the Venetians complying with the demand of the Ottoman Porte, on the ground that the Turk was our new and favourite ally, and that if the guns they wanted were not furniſhed, Ruſſia would be enabled to make head the more rapidly againſt the Turks: and then Pruſſia, another of our allies, would take the alarm. On ſuch a plan of proceeding, his Lordſhip ſaid, (and it was equally rational with our conduct reſpecting Tippoo Sultan and the Empreſs of Ruſſia,) the Miniſter might ſoon have another war upon his hands.

Earl of Carliſle.

The Duke of *Montroſe* ſaid, he did not wonder that the noble Earl ſhould have been ſlow to riſe, when his object was to complain of the conduct of Miniſteas towards that Houſe; for what was that conduct, but the moſt uniform reſpect and attention, evinced in their ready communication of every information, that was conſiſtent with their duty to

Duke of Montroſe.

their Sovereign and the Public. The Duke said, he had not been able to attend their Lordships, when the subject of the war in India had been last under their consideration, a circumstance which he had sincerely regretted at the time. He therefore now entered into a summary statement of the origin of the war, in order to prove that the war was not, as it had been described to be, a war of ambition and avarice, into which Ministers had hastily plunged the country, but a just and necessary war, into which they had been forced contrary to their inclinations, and, he might almost say, without their knowledge, in order to support an useful ally, by whom they were bound by treaty, and whose dominions they had guaranteed. His Grace described the nature of our alliance with the Rajah of Travancore, and stated the attack made by Tippoo Sultan on the lines of Travancore, as well as the hostile manner in which he had previously blockaded Tellichery, a British fortress, by sea and land.

In the course of the noble Lord's speech, his Grace observed, the noble Lord had taken occasion, for what reason he knew not, to talk of Ministers having concealed the news of the late transactions in India, in order that the Public might be robbed and plundered by stock-jobbing. Whether it was meant to impute so foul a practice to persons in office, as that they had enriched themselves by stock-jobbing; the Duke declared he was at a loss to imagine; but if any suspicion of the sort wrs entertained by the noble Lord, it would have been but fair in the noble Lord to have stated the grounds of his suspicion explicitly, and to have afforded the person or persons suspected, an opportunity of clearing their characters and wiping away so foul a suspicion, or to have stood exposed to that contempt and punishment which such conduct would have deserved. His Grace, concluded by saying, he should give his negative to the motion.

Lord Porchester

Lord *Porchester* rose to explain. His Lordship said, he had not charged any particular person with stock-jobbing, because he did not know who to charge; he wished he did, but he had no scruple to declare, that he had no doubt upon the subject; he was satisfied that a great deal of money had been made by stock-jobbing since the last news arrived from India, and such must unavoidably be the case, as long as Ministers kept the news they received from India during the war, confined to their offices. With regard to our being bound to support the Rajah of Travancore by treaty, his Lordship said, the noble Duke was mistaken; it had been expressly stated by the noble Secretary of State, in a late debate in that House, that we were not compelled to go to war by the obligations of any treaty, but that we went to war, on grounds of expediency; and the noble Duke was equally mistaken in regard to

our

our being the guarantee of the Rajah's dominions; it was impossible that we should be the Rajah's guarantee. The act of Parliament expressly forbade it. When the noble Lord had sat a little longer at the Board of Control, Lord Porchester said, he would be better informed on the subject; and he would advise him when he went next to the Board, to read the act of Parliament and the treaties, and he would see that they were as he had stated them to be.

Duke of Montrose.

The Duke of *Montrose* said, he had read the treaty of Mangalore, and it therein stipulated that they were to defend the territories of the Rajah of Travancore.

Lord Porchester denied that the treaty of Mangalore contained any such article.

The Duke of Montrose produced a copy of the treaty and read from it, an article in which the Rajah of Travancore was by implication recognized as the ally of the East India Company.

Lord Porchester

Lord *Porchester* insisted upon it, that the article would not bear any such construction as the noble Duke had put upon it. His Lordship contended, that according to the law of nations, Tippoo Sultan was justified in attacking the Rajah of Travancore, for having by purchase obtained possession of the two forts of Jacotta and Cranganore.

Lord Mulgra

Lord *Mulgrave* treated with contempt, what the noble Lord had said, of the law of nations. The Rajah of Travancore, his Lordship said, had, on a great variety of important occasions, proved himself our best friend and most useful ally. His Lordship recapitulated several instances of this, and asked, if a Prince who had afforded us such strong proofs of his attachment, ought to be deserted by us in the day of distress? Even if we had not bound ourselves by treaty to defend him against Tippoo Saib's attacks, we were bound by honour, which was a tie, in his opinion, ten times stronger than any condition of a treaty. His Lordship censured the mode of resorting to the law of nations to find an excuse for acting unfeelingly and ungratefully, when a good friend to the English interests in India was in danger of being overwhelmed by a powerful oppressor of the weak and defenceless Princes of India, whose dominions, unfortunately for them, lay within the reach of the usurper. It was not the artful sophistry, nor the dry casuistry of a German writer, or a Swiss commentator, his Lordship said, that he wished to see handed to the Princes of India, but an example of the generous friendship and manly feelings of the British nation. After several arguments to prove that the country would have lost its best character, if we had not taken up the cause of the Rajah of Travancore, his Lordship concluded with a declaration, that he would give his negative to the motion.

Lord Sydney. Lord *Sydney* stated in a concise manner the conduct of Tippoo Sultan, demonstrating that it was not merely by his attack on the lines of Travancore, our friend and ally, he had provoked the war, but by his having, unprovoked by any conduct of ours, invested Tellicherry by sea and land, and reduced a British garrison to such distress, that they were in danger of famine. His Lordship mentioned several instances of Tippoo's arbitrary and unjustifiable conduct, and notwithstanding the notoriety of these instances, his Lordship said, he must not, he had been told, call Tippoo Sultan a tyrant and an usurper, but he supposed, he must call him our natural ally. His Lordship took notice of Lord Porchester's charge about stock-jobbing, and said the noble Lord ought in justice to make his charge, if he had any proof of such conduct in Ministers. He did not believe, he said, there were the least grounds for so base a suspicion. Those who had been guilty of such a meanness, in his opinion, did not deserve to be impeached, because in very high crimes, fit subjects of impeachment, there was something of honour to be traced; but, in stock-jobbing, on the spur of official information, by men in office, it was a conduct so mean and scandalous, that it rather deserved the whip and the pillory, than the block and the scaffold.

Viscount Stormont. Lord *Stormont*, in terms of pointed irony, asked, what would his Highness the Nabob of Arcot say, if he were shewn the law of nations? What would he think of our kindnese in having, in violation of a direct treaty, seized upon his dominions? In this manner his Lordship went on, for some time, and commented on all our various treaties with the Nabob, and the Rajah of Travancore. He afterwards went into a consideration of topics more immediately relative to the motion, and having repeated many of the arguments he made use of in the last debate on the subject of India, condemned Ministers for having plunged the country into a war, to which we were now certain an end could not speedily be put, unless orders were immediately sent out to India to make peace.

His Lordship contended that the war began here, and that it was a project of youthful ambition. He reprobated the conduct of Administration, in having published Colonel Floyd's letter in the newspapers, instead of sending an extract from their official dispatches to the Gazette. It was, he owned, less irksome to his eyes to read it, as it appeared in larger print than it would have done in the usual mode of communicating official intelligence. During the whole Administration of the Earl of Chatham, his Lordship said, the practice of sending a general account of every piece of news that was received into the city, as soon as it arrived, was eagerly

gerly and anxiously pursued, in order to prevent stock-jobbing, and to save the Public from being plundered by those who were necessarily in the secret, from their situation in office. That salutary conduct ought, he said, on all occasions to be studiously adopted. The communications of early intelligence during a war, was the uniform practice of all the States in the world, with, he believed, the single exception of Constantinople. During what was called "the seven "years war," in the King of Prussia's memoirs it was stated to have been his practice; sometimes, Lord Stormont said, he supposed, heightening victories, and lowering and softening down defeat.

After descanting at great length on the subjects touched on by those Lords who had preceded him in the debate, his Lordship adverted to the Minister's quarrel with Russia, and argued in proof of the arrogance of our interfering and pretending to dictate terms of peace to a power that had been victorious in a war into which she had been forced. That every State had a right to retain what part of its conquests that State thought proper, was a maxim admitted to be true, and justified by the experience of ages. Let us look to our own conduct in Asia, and recollect how our territories in Hindostan were obtained! Let us look at the empire of our ally the King of Prussia, and see to what a miserable limited domain the Elector of Brandenburgh would be reduced, if he were stripped of his military acquisitions of territory, and reduced to a condition of *statu quo!* There was scarcely a country in Europe that could be named, his Lordship said, which had not been aggrandized or circumscribed by the acquisition or loss of territory!

Ministers, ought to look with gratitude to that side of the House, the noble Viscount said, for it had saved them from themselves. The arguments that had been urged in debate by their Lordships, had awakened Administration, and the country, from their delirium; and though they appeared, at the moment, to be but little attended to, they had produced their effect in Parliament, and without doors, so that he believed, that the alteration of their tone would end in peace. Happy had it been for them, that the celerity with which their last messenger had travelled, had enabled him to overtake the messenger that went before him, to snatch the firebrand from his grasp, and to charge him with a message of retraction and concession, which he trusted would serve to extinguish the flame they had blown up. His Lordship having urged a great many arguments of a similar nature, concluded with giving his assent to the motion.

The *Lord Chancellor* left the woolsack, and in a long and nervous speech opposed the motion. His Lordship began with

Ld. Chancellor.

with obferving, that when he heard the motion ftated, and the anfwer that was given by the noble Secretary of State, he had not imagined that a debate of half an hour's length could poffibly have taken place. The motion called for accounts of the late military tranfactions in India. The Secretary of State had declared, that the fulleft accounts of that tranfac- had been laid before the Public, and that they had no other which they could give with fafety to the national interefts. The natural courfe of proceeding for thofe who called for the papers, his Lordfhip faid, he fhould have conceived, would have been, to have fhewn, that they had good reafon to believe that Minifters were in poffeffion of fuller accounts; but had that been done? on the contrary, had not the moft extraordinary reafon been given for defiring to have the difpatches: viz. To print them and make them into a newfpaper? It was, he believed, the firft time that fuch an idea as converting their Lordfhips into the editors of a newfpaper, and publifhing the Parliamentary Gazette, in oppofition to the Gazette of the Secretary of State, had ever been entertained, much lefs formally propofed to their Lordfhips.

Having fhewn that the object of the motion was altogether novel and unparliamentary, his Lordfhip proceeded to maintain, that the taking advantage under fuch a motion to declaim upon a great variety of topics, of importance undoubtedly, but of no fort of reference to the motion, in order to catch the paffions of the perfons above the bar, and have their arguments handed to the Public, to excite the fears of the foolifh, and the hopes of the vain, and by creating alarms and apprehenfions in the minds of the people, lead them to imagine that Minifters had unneceffarily involved the country in a ruinous and expenfive war, was extremely unfair and extremely unwarrantable. There was not an abftract propofition laid down by his noble friend (Lord Stormont) that evening, his Lordfhip faid, to which he could not readily affent, but he differed with the noble Vifcount in every one of his applications.

To prove that the applications were not pertinent, the Lord Chancellor went through a circumftantial detail of the events that gave rife to the war in India, and proved that it would have been pufillanimous and faithlefs in us to have refufed our fupport to the Rajah of Travancore. He faid, that no noble Lord had ventured to affert, that the war was unjuft; if any noble Lord was prepared to go that length, he would meet him fairly upon the point, and argue it with him. His Lordfhip faid, that though he was no India Minifter, he had an opinion which he fhould have no objection to declare when the fubject came regularly before their Lordfhips. He knew a very great difference had obtained as to the true

point

point of intereſt for this country in her connection with India; and poſſibly if it was a country in which the energy the knowledge, and the capital of the Engliſh merchants could be employed with ſecurity, commercial advantages would be ſuperior to any other that could be drawn from India. But noble Lords well knew that it was impoſſible; that India had at all times been a prey to invaders, and were we to quit it to-morrow, ſome other European nation might ſupply our place. The next point then to conſider was, his Lordſhip ſaid, how we ſhould hold it to the moſt advantage? In Bengal we undoubtedly poſſeſſed a moſt valuable and extenſive dominion, and from the order into which that country had been brought, the regulations that had been formed, the attachment of the people, and the eaſe and happineſs which they had enjoyed ſince we became Sovereigns of the country, he believed that our empire there was as firmly fixed as any empire could poſſibly be at the diſtance of twelve thouſand miles from the Parent State. Bengal therefore was a moſt important object in every point of view; we had there an improved and improving revenue, an improved and improving population. As to Madras and the Carnatic, he had his opinion upon thoſe countries alſo; if their poſſeſſion was neceſſary to the preſervation of Bengal, then it was an evil to which we muſt ſubmit, though its reſources ſhould not be ſufficient for its eſtabliſhments; why they ſhould not, he was not prepared to ſay. Bombay could not be underſtood to ſupport itſelf, but he was informed that about thirty years ago its expences were not more than forty thouſand pounds a year beyond its income. He had no idea of the wiſdom of keeping up eſtabliſhments beyond the ability of the countries we retained to pay. But theſe were ſubjects not immediately before their Lordſhips; when they were, he would give his opinion upon them.

It had been obſerved, his Lordſhip ſaid, that we had groſſly violated a treaty with the Nabob of Arcot and the Rajah of Tanjore; that was a ſubject alſo that he would ſpeak to when it came regularly before them. The country of the Rajah of Tanjore had been conquered by the Nabob of Arcot, in the year 1722 or 3, the Nabob ſetting up a claim to it as his right. By the activity of the Rajah's friends in England, the country was reſtored to him in 1777, and he continued in poſſeſſion of it till 1781, when the devaſtation brought upon the Carnatic by the invaſion of Hyder Ally, induced the adoption of ſtrong meaſures in India for the ſalvation of the Company, the Nabob, and the Rajah. The reprobation of theſe meaſures, by a parliamentary reſolution at that dangerous criſis, would remain an eternal monument of parliamentary folly and abſurdity! When the peace was

concluded, the countries were restored to the Rajah and the Nabob, and the treaties concluded, by which they were bound to the observance of certain conditions both in peace and in war.

The Chancellor declared that he had read all the papers upon the table relative to the seizure of those countries, since the commencement of hostilities with Tippoo Sultan, and he was perfectly ready to admit that those treaties had been grossly violated, and that the violation could not be defended upon any other plea than that of necessity; nor was he prepared to say that there were yet papers upon the table which made out that necessity; but this was a subject not to be gone into upon a motion that did not fairly bear a relation to it. When it was brought regularly before their Lordships, he should be perfectly ready to go into it seriously.

In the course of his speech, the Lord Chancellor spoke of the conduct of Russia and the Turks, and in a strain of irony said, it was evident the terrible Turk had been the aggressor, while the mild and gentle Empress of Russia had afforded no sort of provocation for the war! The seizing upon the Crimea, and the taking possession of Upper Servia, with the mode that the Empress had adopted in each of those particulars, were peculiarly amiable, and were undoubtedly acts of conciliation and kindness! His Lordship also took notice of what Lord Stormont had said, on the subject of the seven years war.

Lord Stormont. Lord *Stormont* rose to reply. He said, he did not intend to trespass upon their Lordships again, but, called upon so personally as he had been, he must necessarily beg their Lordships attention for a few moments. His Lordship then proceeded to justify his former argument in two or three of the most essential points. He particularly contended that Russia had been forced into the two last wars with the Ottoman Porte. He said, he would summarily state an anecdote, which, if the noble Lord, (the Marquis of Lansdown) had not left the House, he had no doubt he knew well enough to have detailed, that would prove it. Monf. de Choiseul, when Minister of France, sent a letter to Monf. de Vergennes, when Ambassador at Constantinople, to urge him to provoke the Turks to declare war against Russia. Monf. de Vergennes return d a letter, remonstrating on the injustice of such a measure. Monf. de Choiseul replied that it was the duty of Monf. de Vergennes to act and not to advise; and not receiving a reply so soon as his impatience expected, he sent a messenger with letters of recal to Monsieur de Vergennes. It happened that the two messengers crossed each other on the road. The letters of recal were delivered at Constantinople, and about the time they arrived, Monf. de Vergennes' dispatch

patch reached Monf. de Choifeul, and informed him that his inftructions were effectually complied with, the Porte having declared war againft Ruffia. On Monf. de Vergenne's arrival in Paris, the Duke de Choifeul received him in the handfomeft manner, told him he had been in the wrong, and as he could not return to Conftantinople after his recall, he had only to afk for the next vacancy of an embaffy that fhould become vacant, and he fhould have it. In that way Monfieur de Vergennes, his Lordfhip faid, obtained the embaffy to Sweden.

Lord *Loughborough* in a long and able fpeech contended for the motion. His Lordfhip faid, he was extremely happy that the queftion brought forward that day, had been difcuffed in the manner which noble Lords feemed to have taken up; becaufe it was following to a greater extent, which he remembered and admired very much, the difcuffion of great conftitutional queftions than that which had prevailed in modern debates which were fo ftrictly confined to order that it was impoffible to introduce, without offending, any thing, however applicable, that did not immediately correfpond with the words of the motion. His Lordfhip confeffed he was no fuch friend to order; on the contrary, he preferred the mode which had been followed that day, by the free, ample, and manly way in which the debate had been taken up and carried on. In fome refpects, he owned, the debate might be reckoned intemperate and diforderly; but ftill, if it were allowed, that difcuffion, in a fair and proper way, could bring conviction, certainly it was to be wifhed for and encouraged, rather than prevented. Profecuting this idea, his Lordfhip faid, he might be led to a greater trefpafs on their Lordfhips' patience than he otherwife would have thought neceffary; and he trufted Minifters would be fo far of the fame opinion, as to come forward with more argument and found reafoning than they had done of late, and give up that ftyle of faying, that this or that meafure is expedient; you muft have confidence in us to believe fo; we have nothing farther to communicate to the Public; and if we had, it would be improper to mention any thing of it: a fpecies of ftate fecrecy which, however much it might be in fafhion, he never could be reconciled to; and for this caufe it was that he approved fo much of the turn which the debate had taken that day, efpecially upon a motion calling for information of the moft material confequence, which, he hoped, it would be the means of obtaining; thinking, at the fame time, that no more was afked than the country had a good title to call for. Lord Loughborough.

The motion of his noble friend, his Lordfhip faid, had called for fomething like a Gazette, fomething authentic,

the reality and truth of which the country could depend upon; and he begged leave to ask noble Lords if this was an unreasonable or improper demand? Certainly not, in any circumstance that involved this country or its territories abroad, in a war, and particularly a war which would ultimately concern this country, as he should afterwards have occasion to state more at large, because hitherto a war in India never occasioned new burthens upon the people of England, nor were they supposed liable for the debts incurred in consequence of war in that quarter. Now what, asked his Lordship, was the information which had been given? A letter in the newspaper from one officer, who commanded a party very gallantly, on an expedition which was not of long duration, though it encountered many hardships, to another who was a private friend of that officer. Again he would ask if this was any account of a campaign? Was it any account of what had been done, or was likely to be done, or what was the then state of the war in India: or admitting that it was a full account, was it sanctioned by any authority? certainly not; it was not even announced in the newspapers that this letter came from any public office. How would the opinions of mankind be regulated by this sort of information? What would they think of our situation in India, either immediately or looking prospectively? And how would our proceedings at home effect the system of alliances and schemes of partition in India, which we had been endeavouring to support and carry on at so much hazard and expence? Were we sure that the Nizam would adhere to our system of partition? Could we depend that the Mahrattas would? Or rather, he should ask, were we certain that a partition of a very different nature, and not in any way favourable to the interests of this country, would not take place? In short, he considered the war in India to be an unjust, inexpedient, and dangerous war for this country, and a war not provoked by any existing circumstances there, originating entirely at home, from pernicious, ill advised Councils, and proceeding upon views that could not be defended on policy, safety, or reason.

This led his Lordship to state, what, he said, of all other considerations, made this war most worthy of particular attention from their Lordships and the country; and that was the effect of it. All other wars in India, however great the expence of them might be, had never been considered as wars that this country ought to provide for the consequences and expences of them; on the contrary, that burthen had always fallen upon the Company, and the territorial possessions there But very different was the present war; the Parliament has sanctioned it, and the country was liable for the expences of it.

it; and this, he believed, he need only state to their Lordships, to convince them how much it was their duty, and their right, to have the fullest and most perfect information that Ministers could give upon so important and interesting a subject as the war in India; the state of which, or the latest accounts that had arrived in this country, to those who, from their official situations, such dispatches must come, their Lordships, and the country, knew nothing about, except from newspapers, which they must be guided by, until what they contained were contradicted; for a newspaper was the trumpet of fame, containing what was good and bad, false and true, a mixture of authentic informations and vague reports. His Lordship proceeded to notice every topic that had been introduced in the debate. He said, he had seen the difficulty of an Indian war, and he well knew, that all Indian wars were wastful of the public blood and treasure. Even those in which we had been victorious, and a degree of national glory had been acquired, had left behind them a weight of expence and a heavy debt, which had borne down our affairs in India ever since. We had found a large debt incurred at the end of the last war, and a most absurd measure had been adopted respecting it, viz. the transferring of the debt home to England, by which means our credit would probably be disgraced and wounded. The present war had been commenced, as was well known, with our Treasury in Bengal completely exhausted, so that the war was obliged to be begun on credit, and money had been borrowed at 12 per cent. interest, and but little had been raised even at that extravagant rate. At present the war cost 500,000l. a month, and as the Bengal army was to be led by Lord Cornwallis to join the army under General Medows, the expence would be increased, perhaps doubled; and how was it possible for us to support a war at the immoderate expence of six millions a year? The sooner therefore that orders were sent out to India to put a stop to it the better.— Let their Lordships recollect the distance and the time it would take before their resolutions could have effect. His Lordship said, those who spoke of Tippoo Saib as an usurper, and treated him with contempt, acted very unwisely; his father and he were the most powerful Princes that India had long known, and the manner in which his troops had behaved in the attack with Colonel Floyd, proved at once their gallantry and their discipline. His Lordship went through the detail of the circumstances stated by the Lord Chancellor, as the causes of the war, and placed them in a different point of view; he maintained that by pursuing Tippoo, and conquering all before us, we had abandoned our former frontier, and had now no frontier at all. In the conclusion of his speech, his Lordship held strong language in his censure of Ministers.

Lord Grenville.

Lord *Grenville* said, when he had spoken before, he had not imagined he should have had occasion to trouble their Lordships again, not being aware that so many subjects would have been introduced that bore no immediate relation to the motion; and to say nothing in reply to which, might be interpreted into an acquiescence in their being founded; whereas those who urged them, well knew to the contrary. It was an extremely hard and unpleasant situation for those, he said, who, from a sense of the duty they owed their Sovereign and the Public, whose affairs were in some degree committed to their administration, were obliged to deny themselves the advantage of that answer which they had it in their power to give, or if they abandoned the reserve, which they had, for such reasons as he had assigned, prescribed to themselves, betray the public interest. Distressing as the alternative was, however, having thought it his bounden duty to continue silent upon a subject on which he knew he could not open his lips, without drawing down some mischief on the Public, he was determined to pursue inviolably that line of conduct which he had adopted, and irksome as it must be to his feelings to hear the most unjust motives imputed to him and his colleagues, without the smallest foundation of fact, to persevere in that silence, which no high words that noble Lords could use, should provoke him to depart from; and therefore he threw himself with confidence on their Lordships' honour and justice; and he did so, with the greatest assurances that he might do so with safety, from the recollection that their Lordships had approved of his having done so on a former occasion, and been pleased to mark that approbation by an express vote of the House. If, however, their Lordships saw any reason to alter their opinion, let the consequence be what it might to His Majesty's servants, the House could not too soon retract its error, and adopt a different line of conduct. On the contrary, if, upon a candid examination of the circumstances, they found, as he trusted they would find, that nothing had happened to induce them to change their opinion, he should again throw himself on their Lordships' honour and justice.

With regard to the assertion, that the war was the war of His Majesty's Ministers, his Lordship said he had, on a former occasion, proved, that in consequence of a sudden revolution of circumstances in India, (which His Majesty's Ministers could not even know, much less act upon) we had been forced into a war; it was therefore morally impossible that the war should have been a war of Ministers.—The war being engaged in, and having the highest opinion of the experience, ability, and zeal of the officers entrusted with the command of our army in India, and with the gal-

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lant spirit and bravery of the troops under their command, he repeated to their Lordships, that he still entertained the strongest hopes of our success. He desired, however, not to be considered as undervaluing the enemy, or entertaining any thing like contempt for Tippoo Sultan. He had ever heard him described as the most powerful of the India Princes, and well knew that he had a numerous and well-disciplined army, and that his resources were immense. But the war had not been a war of choice; it was not a war lightly undertaken; it was, in fact, a war into which we had been driven by strong necessity. He observed, that it had been stated by a gentleman of great military experience, in another place, that the Travancore country was the key to the Carnatic, and that it ought to be as strenuously defended as the gates of Madras. His Lordship stated what the utmost extent of Colonel Floyd's check would be, declaring, that it would only occasion the delay of our most important measure from November 1790, to April last. His Lordship concluded with asking, to what purpose it was to bring forward motions, and agitate questions, the only effect of which could be, to depress the public mind, and inspire distrust of the probable success of our arms, which circumstances did not warrant?

The question was put, and the motion negatived without a division.

Lord Porchester

Lord *Porchester* then said, he had papers to move for, to the production of which, having been already agreed to in another House, he thought there could be no objection. He then moved, "That there be laid before the House, a copy "of the minutes of the Governor General and Council of "Fort William, dated November 5, 1790, signifying his "intention to proceed to the Coast, in order to take upon "himself the conduct of the war." Ordered.

Lord Porchester again moved, "That there be laid be-"fore the House, a copy of any minutes sent out by the "Board of Controul or the Court of Directors, approving "of Lord Cornwallis's proceeding to the Coast."

Lord Grenville objected to this motion, and it was negatived.

The House adjourned.

Monday, 16th May.

The order of the day being read for the House to take into consideration the report of the Committee, appointed to search for precedents relative to the trial of Warren Hastings, Esq.,

Lord Porchester

Lord *Porchester* said, he did not then mean to trouble their Lordships at any length upon the subject; he only meant to make

make a motion which might bring the merits of the question fairly and fully under discussion. He had, his Lordship said, read the printed report, and had formed a very clear opinion upon the subject, but that opinion he reserved, till he should have an opportunity of hearing the sentiments of noble and learned Lords. His Lordship then moved,

"That a message be sent to the Commons, to inform "them that they (the Lords) were ready to proceed on the "trial of Warren Hastings, Esq."

Lord Chancellor.

The *Lord Chancellor* having left the woolsack, said, he could not possibly think that the motion made by the noble Lord, was either the proper or regular mode of proceeding at this time. All their Lordships, he observed, would at least agree with him, that the laying down a rule, by which not only the fate and fortune, but the liberty and lives, of their Lordships, were in future to be determined, was a subject of very important consideration. The report, his Lordship thought, ought to have been referred to a Committee of Privileges; that would have been most agreeable to the rules and practice of the House, with regard to impeachments, and when the subject should have been considered by the Committee, his Lordship said, it might then be reported to the House, who would have an opportunity of reviewing and ultimately deciding upon it.

Their Lordships had been desired to send a message to the Commons, stating that they were ready to proceed on the trial of Warren Hastings, Esq. After they had searched for precedents, that day had been appointed to take the report into consideration, whether the impeachment abated or not by the dissolution of Parliament? and therefore that question ought to be considered before the other could possibly occur. After they had determined that the impeachment did not abate, but remained in *statu quo*, then it might be very proper to consider whether a message, such as had been moved for, ought to be sent to the Commons, to inform them that their Lordships were ready to proceed in the trial. Three questions, his Lordship said, immediately occurred, which he should have conceived to be very proper to be referred to the Committee of Privileges, and afterwards to the House. The first of these questions was, whether an impeachment, brought up and proceeded on in the last Parliament, was now in any degree depending. 2dly, That if the impeachment were depending was it depending in *statu quo*? 3dly, By what process, or by what form of proceeding, that man was to be called on, who, if he understood the question rightly, was now neither a prisoner, nor under bail; and whether, in case that man did not appear, they could sue his recognizance?

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Theſe three queſtions, his Lordſhip ſaid, appeared to him to be exceedingly important in the preſent inquiry, and as the general propoſition involved the fate and fortunes of mankind at large, it was of much more importance than what became of the general ſubject.

His Lordſhip thought, if the printed report was fairly extracted and hiſtorically deduced, it would amount almoſt to a demonſtration that there had never been ſuch a proceeding as a continuance of an impeachment after a diſſolution. It happened unfortunately, his Lordſhip obſerved, that the report had not been printed before the holidays, as they might have been better prepared for the diſcuſſion of the ſubject, had their Lordſhips been able to have peruſed the report earlier. The report, his Lordſhip ſaid, was imperfect; and for his part he had no knowledge on the ſubject, except what he derived from the report. He thought it was eſſential that ſome other things ſhould have been included under the firſt head; as, for inſtance, whether they ſent a meſſage to the Commons ſubſequent to the prorogation or diſſolution, and whether the Houſe of Commons ſent any meſſage, or ſet on foot any meaſure in conſequence. There was alſo another claſs of criminal proſecutions which his Lordſhip conceived might poſſibly be connected with this. With regard to writs of error, the report, his Lordſhip obſerved, was ſtill more defective. The Committee had ſtated merely what appeared to them on record, and had ſtated that only; it would have been material to have conſidered whether it was true that a writ of error abated upon a prorogation, as was determined in the year 1673.—He meant not this by way of reproach, for undoubtedly, the diligence of the noble Lords had done a great deal; indeed, he wondered it had done ſo much. The report however contained many defects.

His Lordſhip thought this was too near a way of conſidering a ſubject of ſo much importance, and he was afraid their Lordſhips could not do that juſtice to the ſubject which they meant. It was to be conſidered in the way in which it ought to be: if they were to follow the path of their anceſtors, which appeared to him to be right, he ſhould wiſh them to refer the ſubject to a Committee, and that a Committee ſhould come to certain reſolutions. The great object of their Lordſhips in this deciſion ought to be, to put it out of the power of a Miniſter at a future day, to turn the deciſion any way he pleaſed, as it might ſuit his own convenience. He thought, therefore, it ought to be ſettled with the utmoſt gravity and ſolemnity. What might become of it afterwards the Lord only knows. Perhaps he might be accuſed of a pedantic adherence to precedents. His Lordſhip ſaid, he alluded to caſes then before the Houſe. He had formed in his mind the outlines

lines of the method which he conceived would be moſt proper to purſue on this ſubject; and if the motion of the noble Lord was diſpoſed of, he ſhould, his Lordſhip ſaid, feel a ſtrong inclination that they ſhould adopt the method which he had ſuggeſted.

Lord Abingdon

Lord *Abingdon* ſaid, he did not riſe, as their Lordſhips might ſuppoſe, an advocate for Mr. Haſtings, nor did he riſe as an advocate againſt him. The ſituation in which he ſtood, in common with the reſt of their Lordſhips, as one of the Judges before whom that cauſe was, precluded and forbade him, whatever other noble Lords might think, from taking or aſſuming to himſelf any ſuch character. But he roſe, although not an advocate on either ſide, to trouble their Lordſhips with a few words on both ſides; not however with a double fee in his hand, as ſome advocates have done, but without any fee at all, as no advocate is willing to do; and this too not in point of argument, not to diſcuſs the weight and balance of precedents, which were upon their Lordſhips' table, as the means of forming his judgement upon the queſtion that was to be reſolved, but ſimply and merely to expreſs thoſe feelings by which his mind had been affected upon the occaſion.

And here, in doing this, his Lordſhip ſaid, it was neceſſary for him to recur to that time when the impeachment began; to its origin, when like other individuals he was led to look at it in the lump, not with the inveſtigation through all its detachment of articles, not on the ground of its evidence, nor in other reſpects in the minutiæ of detail, but on its political hinges and bearings, in its reaſons, in its motives, in its cauſes, and in its effects. That this was his view of it in the firſt inſtance, and with that view, whilſt he ſaw, on the one hand, a man who by his enterprize and exertions had, as it was ſaid, preſerved a great country to the Britiſh empire, whether by right means or wrong he did not then inquire, but right he ſuppoſed them, firſt from the event itſelf, and next from the circumſtance of thoſe who were moſtly intereſted in that event (he meant his employers, the Eaſt-India Company) having *una voce* approved his conduct, his Lordſhip ſaid, he ſaw this man made the object of an impeachment. On the other hand, he ſaw a man himſelf accuſed of having at the ſame period, and, as it was ſaid, by worſe means than thoſe of a want of enterprize and exertion, loſt a great country to the Britiſh empire, coaleſcing with his accuſers, his bitter enemies, in becoming an accuſer of the man in whom, if there was guilt, he, this accuſer, was himſelf a *particeps criminis* by continuing him in the ſtation in which he was, when, having the power, he might, and ought to have removed him; he ſaid, he ſaw this man not made the object of impeachment.

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The inference then, his Lordſhip ſaid, which he drew from this view of the ſubject was, that this impeachment was a proceeding not founded in national juſtice, nor had it national honour either for its principle or its object; but that, like the witches cauldron in Macbeth, it was compoſed and made up of ingredients to raiſe a flame in the country, not of juſtice, not of policy, not of wiſdom, but a flame lighted up by the ſpirit of a jarring faction, concocted by the moſt noxious juices, created by the moſt heterogeneous mixtures, blown up by the breath of malice, fed by revenge, and kept alive by the fuel of animoſity and invective. This was his inference.

[Lord Stanhope here requeſted, that the noble Lord would confine himſelf to the queſtion before the Houſe; not one word of what he had ſaid appearing to have the leaſt relation to it.]

Lord Abingdon ſaid their Lordſhips would ſee whether what he had ſaid was to the queſtion, when they heard how he applied it; and proceeded. The next view he had of the buſineſs, his Lordſhip ſaid, was the impeachment at their Lordſhips' bar. And here he ſaw, and it was with pleaſure he ſaw it, Mr. Haſtings, like himſelf, triumphing and exulting in his ſituation; he ſaw him, like Hercules and the Hydra, ſurrounded and beſet by a many-headed monſter, called a Committee of impeachment, with fire in their eyes, and forked tongues in their mouths, blaſting him with the lightning of their looks, and pouring into the inmoſt receſſes of his heart the chilling poiſon of their envenomed words; whilſt he, with the uplifted club of conſcious innocence, as it would ſeem, in his hand, ſat calm and undiſturbed, and yet panting, as it were, for the coming of that hour of his defence, when to his aſſailants it might prove the hour of death and annihilation, but to him, that of victory with accumulated honour.

This, his Lordſhip ſaid, he ſaw; but beſides this he heard from one of the Counſel in pleading his cauſe, with a torrent of manly eloquence, and in a burſt of language and of zeal which conviction only could have inſpired, an appeal to God as the witneſs of his client's innocence, and calling down the vengeance of Heaven on the heads of his accuſers as their merited puniſhment for the falſity of the charges alledged againſt him.

But what did he now ſee, and what did he now hear? He ſaw, he ſaid, this very Mr. Haſtings, not what he was, unlike himſelf, not as before panting for his defence, no longer triumphing and exulting in his ſituation, no more like Hercules with his uplifted club, but like Hercules indeed ſubdued, and with a diſtaff in his hand; this was what he ſaw, and this was what he heard, and heard too often from Mr. Haſtings himſelf: for, ſaid he, my Lords, his laſt addreſs to your

Lordships did not [illegible] that ardour of mind; and that magnanimity of spirit which either his previous conduct implied, or his character would have led one to look for.

But this was not all. A dissolution of Parliament takes place, and this dissolution is to be made use of as an extinguisher to this impeachment. Be it so then, said his Lordship, but his sense of the matter would be this: that instead of Mr. Hastings's appearing as he was wont to do, and as it was hoped he would do, like the pure flame of the candle, his conduct, like the snuff of the candle which the extinguisher leaves behind it when the light is put out, and the flame exists no more, would be perhaps as black and as offensive to himself, as it would be to the rest of the world.

These were his feelings, his Lordship said, and he should be glad to have them removed: but if this could not be, let others feel for themselves. It may be said indeed, that this was a trial not only without example as to its duration hitherto, but in its continuance a persecution without end: to which it may be answered, that the duration is now proposed to be fixed, and the time to be limited, and yet the effect of a dissolution is preferred to this.

And now, said his Lordship, a single word to the impeachment itself. Whether a dissolution of Parliament abates an impeachment or not he knew not, nor had he studied to know. It was a question upon which not only Doctors but the two Houses of Parliament disagreed, and therefore without saying "A pox on both your Houses," he would say, who shall decide the point? But this he did know, that whether a dissolution abated an impeachment or not, there were two strong reasons why it should, and there was one still stronger reason than both the others why it should not. The first strong reason was, that the parties themselves are content to have it so: and the maxim of law is, "*consensus* "*tollit errorem*;" the next strong reason is, that it would be removing a heavy yoke that has long been imposed on their Lordships' necks, making the case of the noble Lord on the woolsack, the case of all their Lordships, and bringing to his mind that noble Lord's emphatic words upon this occasion, who, upon being asked some question respecting the trial, said, as he had been told, "It is not Hastings's trial, "it is my trial," as it certainly is so far as the patience of the House has been, and would be again affected by it. But the one still stronger reason than both these against the abatement was this, if the legislature in its wisdom has thought it right to enact, as was done in the act of settlement, "That "a pardon is not pleadable in bar of an impeachment," does not an abatement of an impeachment by a dissolution of Parliament rest upon the same ground of reasoning on which this

clause

clause was enacted, namely, the power of dissolution being in the hands of the Crown, "that it might defeat the whole "use and effects of impeachments, and destroy the chief in"stitution by which Government is to be preserved:" but this was a question which he should not argue, leaving it to be determined by the better judgements of their Lordships, as he should be by the general sense of the House in the vote that he should give.

Lord Porchester said, the House had ordered a Committee to search for precedents, who had delivered in a report: that day had been appointed to take into consideration that report. He was, his Lordship said, of opinion that the impeachment did not abate, and he thought the motion he had made would bring before the House the question, whether it did or did not abate. It was, in his Lordship's opinion, the proper way to consider the question in a full House; but if any noble Lord thought it would be better to argue it in a Committee, he might vote for so doing. Lord Porchester

Lord Mulgrave allowed that the rights of the people of this country, as to questions of property, depended merely on precedent; he conceived however that the proceedings of that House were not to be guided so much by precedents as by their own discretion. Precedents, his Lordship thought, ought certainly to be followed where they were right, and were to be avoided where our ancestors had been guilty of error. There was a wide difference, he said, between the Courts below and that House, with regard to the authority of precedents. The business of the House of Lords, as a Court of justicature, was to try great and important causes; causes that were too important for the inferior Courts, and where the persons concerned were of great weight, and were beyond the grasp of the ordinary Courts of Justice; such had been accounted the proper subjects of impeachment by the House of Commons. The Courts below should be confined strictly to positive rules of law; but how did that apply to that Court; which was formed for great and extraordinary occasions? They could not, his Lordship conceived, be tied down by such rules. What had been done in former times was the best clue to guide them in their inquiries, but their Lordships must above all use their reason in every case that came before them. If there was a power lodged any where to defeat the Lords and Commons at the time they were coming to their conclusion, there must be an end to the powers of the Commons to impeach, and of the Lords to decide. If their Lordships were to go back to the history of their country, they would find many things which were right to be done at the time they were done, but which would be highly improper at the present period. Lord Mulgrave

The noble Lord next proceeded to the consideration of precedents, and from the whole, drew this inference, viz. that an impeachment did not abate at the dissolution of a Parliament, but continued from Parliament to Parliament. The power of pardoning offenders was, his Lordship said, wisely conferred on the King, but in the case of impeachment, it was as wisely taken away. If the dissolution of a Parliament abated an impeachment, it would, his Lordship observed, be in the power of the King at any time to annihilate all their proceedings.

His Lordship concluded, by approving of the motion as the most likely and suitable way to come to the fairest and speediest termination of that impeachment, which gave rise to the question which their Lordships were now discussing.

Earl of Radnor.

The Earl of *Radnor* expressed a strong sense of the evils that must result from leaving it at the pleasure of the Crown to put an end to an impeachment, which must be the consequence of deciding that impeachments abated on a dissolution of Parliament. But he was not certain that Mr. Hastings's bail were by their bond of recognizance bound for his appearance, and therefore he wished the clerk to read the journals of the House relative to the bail and recognizance entered into by the sureties for Warren Hastings, Esq which being read, his Lordship still entertained doubts, and wished that point to be settled before the House proceeded farther, as he thought it would be an aukward situation were their Lordships to pass the motion made by the noble Baron, and afterwards go to Westminster Hall to proceed on the trial, and find no Warren Hastings at their bar, and yet, his Lordship said, he was not sure but such a circumstance might happen, not knowing what authority there was to prevent it, or by what means he could be again taken into custody He therefore meant to offer a motion, but as he believed, in point of order, he must make it as an addition to that now before the House, he would move to leave out all the words in the original motion after the word "that," and to insert in their place these, "it be referred to the twelve Judges as a question, "to examine the bond of recognizance entered into by the "sureties for Warren Hastings, Esq and to report to the "House on Wednesday next their opinions on the same."

Lord Loughborough.

Lord *Lougborough* pointed out the impropriety of the noble Lord's motion, because it was impossible, consistent with law, that the Judges could give an opinion upon a question referred to them by that House, which might afterwards come before them in their judicial capacity in an inferior Court.

Lord Hawkesbury.

Lord *Hawkesbury* said, he did not mean to give his own opinion upon the business of the impeachment, but rather approved of more deliberation, as there were certainly many questions

questions that ought to be decided before their Lordships could agree to so decisive a vote as that proposed by the noble Baron. The noble Earl who had made the last motion, he conceived, had done it with a view of getting free of the other; but he thought the shortest way would have been to move the previous question. His Lordship then proceeded to observe, that in every Court there were rules of proceedings, and when they became the law of the Court, they in fact became a part of the law of the land. His Lordship apprehended it was of the utmost importance to preserve in their decision as much uniformity as possible. Several questions had been proposed by noble Lords, but the first question which, he submitted it, ought first to be considered was, whether their Lordships could and would proceed. A question had been moved, whether Mr. Hastings was now in custody or not? It was a question for them to consider whether they would proceed or not? If their Lordships decided on the affirmative, they would next have to consider, if, when they went down to Westminster Hall, they did not find Mr. Hastings there, what was the most proper method of taking him into custody. But the first question, and upon which all the rest depended, was, whether the impeachment remained in *statu quo*. His Lordship took this to be a question of the greatest magnitude, and therefore he said he wished to have moved the previous question. He was, his Lordship declared, then sufficiently ready to enter into a discussion of the question.

The Marquis of *Lansdowne* said, this important question was opened with great candour by the noble Baron. He had stated that he had a clear opinion on the subject, but that before he delivered that opinion, he wished to hear that of noble and learned Lords. The motion certainly gave them an opportunity of considering the question, though perhaps not in quite so direct a way as was consistent with the dignity of the House. The noble Lord on the woolsack had advised their going into a Committee, and it was certainly very material to go into a Committee, not only for the sake of obtaining freedom of debate, but also for the obvious and plain reason that it gave them the opportunity of another and fresh consideration. The subject, his Lordship said, had been debated three days in the Commons, and their Lordships ought to give it a full and serious consideration. Another question had been stated by a noble Lord, namely, whether the proceedings were in *statu quo*? He was, the Marquis said, ignorant of both these questions. He considered it as a great legal, and not at all as a political question; and God forbid, exclaimed his Lordship, that Ministry should exert ministerial influence in it! If they took any measures

Marquis of Lansdowne.

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towards influence, they would dishonour and disgrace themselves. He declared, he had had no communication with any individual on the subject, except two short conversations with the noble Lord on the woolsack, in the presence of the House. Every man in that House, his Lordship thought, ought to pay great attention to legal authorities, but not be entirely guided by them, although they happened all to agree in one point. The Marquis concluded, with saying, he thought their Lordships were fully competent to form a correct and accurate judgement. Let the question be taken up on the ground of analogy, of precedent, or of general reasoning, it was, he conceived, their Lordships' province to settle the proper mode of proceeding.

Lord Grenville.

Lord *Grenville* said, he felt as strongly as any of their Lordships, that the question was totally unconnected with any system of government, or with any individual who had a share, or who hopes to possess a share in the executive government. Setting aside, therefore, all ideas of that sort, he should do what he had a right to do, and what he conceived to be his duty to do, he should deliver his opinion on the subject honestly, and without prejudice or partiality of any sort. He should have been, his Lordship said, for a direct way of bringing on the question, but if there was one way of considering the subject fully and fairly, and another of only obtaining a partial view of the subject, he should prefer the first mode of treating it. His Lordship thought the merits of the question would come to be discussed with as much propriety from the motion of the noble Baron who had introduced the debate, as in any other way, but if any noble Lord entertained a doubt on the subject, it was his duty to come forward and state his doubts. He was, his Lordship said, one of those who agreed with the noble Baron, in thinking that the impeachment was still depending, and that the motion must appear perfectly proper to all those who were of his opinion, He said, he should not enter largely at present into the question, but he thought the motion of the noble Lord was in every respect as well calculated to bring the question as fairly, as fully, and as completely to a discussion, as any other motion that could possibly be stated. His Lordship said, he saw no advantage whatever of going into a Committee, as it was, every person would have an opportunity of debating the subject fully and freely. As a friend to the motion, he hoped it would pass. He did not at the same time consider that he was giving any opinion whatever on the present impeachment, or the object of it, that being a question not now before their Lordships

Lord King.

Lord *King* said, if the noble Lord (Lord Hawesbury) moved the previous question, he would second it.

Lord

Lord Stormont. Lord *Stormont* alledged, that the original motion had been completely deſtroyed, except the ſhort word that, and the only thing to be conſidered then, was, whether the word that ſhould make part of the preſent queſtion.

Lord Hawkeſbury. Lord *Hawkeſbury* ſaid, he would not move the previous queſtion, becauſe there was another queſtion before the Houſe.

Ld Chancellor. The *Lord Chancellor* ſpoke to a point of order He ſaid, he had already ſtated, that he was doubtful whether this ſubject could be debated in a way that would be ſatisfactory to their Lordſhips' minds. If they decided at once on the original motion it would be impoſſible for their Lordſhips afterwards to ſay a ſingle word, if they entertained any doubts He had read the report with a great deal of attention, and it ſeemed to him, he ſaid, to be little ſhort of demonſtration, that by the habits and practice of that Houſe, an impeachment was univerſally underſtood to abate at a diſſolution With regard to the abuſe that the Crown would make of that power, that, his Lordſhip obſerved, was not deciſive argument of probability. He wiſhed the queſtion might be diſcuſſed with that gravity and that dignity which became the importance of the proceeding. His Lordſhip ſaid, as the debate went on, and if he were not too much exhauſted, he ſhould only ſtate what appeared to him to be the outlines of the buſineſs.

Marquis of Townſhend. The Marquis of *Townſhend* ſaid, that he had, in diſcharge of his duty, given his conſtant attendance to the trial; and he could not help ſaying, that much of the hardſhip of the caſe, in the continuance of the trial, (and which, converted it from a proſecution neceſſary to the honour and juſtice of the country, into a proſecution of the individual), was to be attributed to themſelves. If, inſtead of two days in the week, they had devoted to it four, or even ſix, they would not have given occaſion for the complaints which had been juſtly made by Mr. Haſtings of delay; nor perhaps would they have had ground for the preſent debate. But on the queſtion, that an impeachment did not abate by a diſſolution, the Marquis ſaid, his mind was fully made up. He could not conceive a meaſure of more ſevere injuſtice, than that by any poſſible means, a trial once begun ſhould not be purſued to its regular end of acquittal or condemnation. He was ſatisfied from the opinions of the moſt able judges, from the report on the table, and from every argument of analogy that he could draw, that ſuch was the law of Parliament and the privilege of the ſubject.

Viſcount Stormont. Lord *Stormont* hoped the queſtion would not be decided without grave and ſerious diſcuſſion, without the opinions of

of learned Lords, (whose peculiar course of study and long practice, eminently qualified them to inform the judgement of the House) being fully delivered and maturely weighed. For this reason it was, his Lordship said, that he rose to submit to their Lordships the opinion which he had formed, and the reasons on which he had formed it. An opinion not entirely free from doubt, and still subject to such information as he might yet receive.

Had the stream of precedents flowed in one uniform channel, or had there been no precedents at all, he should have been under no kind of difficulty. By the unbroken tenor of precedents he should have felt himself bound to abide as law, whatever had been his opinion of what the law ought to lay down; and had there been no precedent he should have felt no difficulty in pronouncing, on general principles of reasoning, that an impeachment by the Commons ought not to abate by a dissolution of Parliament. If the law were otherwise, the right of impeachment, which was the best security to the people against the abuse of power, and the best security to the Crown against the abuse of confidence reposed in its Ministers, would be of little avail to any good purpose, and might be made the instrument of the most grievous oppression. Powerful guilt might be snatched from punishment, at the very moment when punishment seemed ready to fall upon its head: and an innocent man might be brought to trial, without the means of obtaining an acquittal, let his innocence be ever so apparent, nay more, his very defence might be made use of to criminate him, by stopping one impeachment before judgement, and preferring another on the same grounds.

When he came to speak of the precedents, the noble Lord said, he spoke with great diffidence; but under the narrow view he had taken of them, they appeared to be in favour of what he conceived the law ought to be. The resolution of 1678, considered in all its circumstances, he thought a strong proof of a general opinion among the greatest and most able men of the time, that impeachments by the Commons did not abate by a dissolution of Parliament. On general opinion that this was the ancient law and practice of Parliament, that resolution must have been founded. In support of this point, his Lordship commented at some length on the opinion of the Judges, against bringing the Lords impeached in the preceding Parliament to trial, before the meeting of a new Parliament; and the speech of the Lord Chancellor in His Majesty's name, at the meeting of the new Parliament, setting forth, that although the impeached

peached Lords had petitioned to be brought to trial during the interval of Parliament, "His Majesty had thought it "fitter to reserve them to a more public and conspicuous "trial in Parliament." This resolution, his Lordship said, acquired additional authority from its having been acted upon in the cases of Lord Danby and Lord Stafford. The resolution of 1685 did indeed appear to rescind the former; but when he considered the circumstances under which that resolution had been passed, and, as had been well observed, the gross servility of the time, he could not allow it to be of much weight.

His Lordship next reviewed the case of Lords Peterborough and Salisbury in 1690, in which, he said, there was something that he could not unravel, and which he believed to have been intentionally perplexed. If they were discharged because their case came under the general pardon, why refer to the dissolution and several prorogations of Parliament? And if they were discharged because it was understood by virtue of the resolution of 1685, that impeachments abated by a dissolution, why was a Committee appointed to search for precedents? They were discharged on a general question, without distinguishing whether the ground of their discharge was the general pardon, or the dissolution. But from all the circumstances, there was reason to believe, that the resolution of 1678 was not considered as rescinded by that of 1685. From these, and other cases, his Lordship said, he inclined to think that the resolution of 1678 was, and still continued to be, the law and practice of Parliament. Whether there was or was not a distinction between a prorogation and a dissolution of Parliament, he would not take upon him to decide; but of this he was certain, that considering them in one point of view, there was a broad, clear, unembarrassed line to follow; viz. that all legislative proceedings, left incomplete, fell to the ground by a prorogation, and just so by a dissolution; and that all judicial proceedings remained in *statu quo* after a prorogation, and just so after a dissolution. In every other point of view, his Lordship said, he met with difficulty, doubt and embarrassment. It had been asserted, that all Supreme Courts were competent to establish rules for their own proceedings; but this was only to be understood as far as those rules were consistent with the institution and purpose of the Courts, and the general principle of reason and of equity.

He had heard it somewhere alledged, as a reason against the continuance of an impeachment from Parliament to Parliament, that their Lordships were not the same Judges after a dissolution as before. This, his Lordship said, would

prove a great deal too much. It would not be contended that such of their Lordships as had sat in the former Parliament were not the same Judges. If it was meant only that new Members were introduced among them, in a body consisting of so large a number, there must, in the natural course of things, be frequent individual changes; and if it were to be contended that a judicial proceeding must abate on that account, no such proceeding could continue with certainty through a single session. The Commons, it was also said, were not the same accusers. It was true, that the House of Commons which preferred the impeachment, existed no longer; but the very impeachment was preferred in the name and on the behalf of all the Commons of England. They were the accusers, and it would not be said, that because their representatives who acted for them were dissolved, they were also dissolved and existed no longer. His Lordship noticed several other points, and concluded, with repeating, that his earnest desire of hearing the question discussed was his reason for troubling their Lordships with his sentiments upon it.

Earl Stanhope. Earl *Stanhope*, after remarking on the mode in which the original question and the amendment must be disposed of, observed, that if an impeachment were to be stopped by a dissolution, that remedy which was given to the people against the abuse of power, for such the right of impeachment was, would be completely destroyed. A Minister, his Lordship said, might at any time make use of the power which he had abused to screen himself, or any of his instruments, from public justice. In no opinion could he be clearer than that such ought not to be the law. The case of the Duke of Leeds, who was impeached in 1695, and the articles exhibited against him dismissed in 1701, because the Commons did not prosecute, appeared to him decisive; because the Lords having voted that the articles be dismissed, "the Commons not prosecuting," was an express acknowledgement, that if the Commons had prosecuted, the articles could not have been dismissed. The amendment proposed by a noble Lord, for consulting the Judges on the state of the recognizances, was premature. Such a question could not come properly before them, till their Lordships had decided, whether the impeachment was or was not pending. His Lordship said, he wished, however, that the whole might be fully discussed in the manner suggested by the learned Lord on the woolsack, and in order to do that, he should propose to withdraw the amendment, vote the previous question on the original motion, and then resolve into a Committee, and debate the three points suggested by the learned Lord severally.

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The *Lord Chancellor* said, that although he had not had me to arrange, the important matter of the volume of recedents in the historical order, which he thought would have enabled him to prove to demonstration that no impeachment had been ever conceived to exist after the dissolution of the Parliament in which it was preferred, he would deliver his sentiments in the best manner the consideration he had given it would admit. In the first place, he should observe, that whether Mr. Hastings had depopulated an extensive country and starved its inhabitants and reduced them to want of bread, or whether he had rendered our dominions in the east more populous and flourishing, was a question of no consideration in the present enquiry. The volume on the table furnished precedents to shew how both Houses had proceeded in cases similar to the present. No precedents ought ever to be followed which would lead them to grind the property of individuals, and to torture their persons. It was one thing, his Lordship said, to be tried by the laws of one's country, which were known and defined, and where every step of the proceedings would be foreseen, and another for a man to be tried by the pure discretion of their Lordships, without any regard to precedents. If they were above all other rules, that House at least ought to be governed by those rules which it had laid down for its own observance. He was really anxious, his Lordship said, that they should weigh thoroughly, and be perfectly sure they did not depart from those principles on which precedents either were or ought to be founded. If they departed from precedents, their Lordships ought, he conceived, at least firmly to adhere to the principles on which they were founded. Ld. Chancellor.

The first thing that occurred to him, was the precedents on impeachments; and he thought it next to demonstration, on the subject of impeachments by the Commons, that impeachments had been understood universally to determine, upon the dissolution of the Parliament. He conceived it to be perfectly well settled, that while an impeachment was depending, it was impossible to get rid of it without giving notice to the accusers. He took that to be an universal rule, and indeed if they did not give such notice, their Lordships would be guilty of manifest injustice to the accusers. If this rule of clear, natural, and obvious justice, were laid down, his Lordship said, it would go a great way to answer some of the questions put by the noble Viscount, (Stormont) as whether the impeachment did or did not abate? &c. They could not take it two ways; they must be uniform and consistent, and if they laid down a position, they ought to follow it through all its consequences and windings. It seemed

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to his Lordſhip in every inſtance, (and there were between twenty and thirty of them) clear, that an impeachment never was dropped without that ſort of inference.

Of this there were ſeveral inſtances, his Lordſhip ſaid, as that in the caſe of Foulis and Geddart, wherein they conſidered whether they ought to renew the impeachment. It was agreed that they ſhould not go on with it. Another inſtance which occurred to him, he ſaid, was that of the Duke of Buckingham, in which the impeachment dropped, but his crimes were not dropped, for he loſt his life a few years after. They petitioned the King againſt him. Theſe inſtances were ſufficient to ſhew it had been underſtood by all men, that impeachments did abate by a diſſolution. An able parliamentary man, about the time of James I. complained that diſſolutions were attended with theſe effects. In the caſe of the Duke of Buckingham, no body, he obſerved, thought it was an exiſting proſecution; no body complained of the Houſe of Lords that a meſſage was not ſent to the Commons; the complaint really was, that it was diſmiſſed, and the queſtion was, whether they ſhould renew it. Thus it reſted, and with many inſtances intervening, it came down to the year 1673, when the queſtion came on, whether an impeachment abated by prorogation.

His Lordſhip explained, at great length, the original ſenſe of prorogation and adjournment; he alſo took notice of the ſtrict analogy and the perfect conformity between continuances in law and Parliament. It had been ſtated, his Lordſhip obſerved, in the courſe of the debate, that there was a difference between Parliament acting in a legiſlative and a judicial capacity. His Lordſhip ſtated, agreeably to the account given by Lord Coke, that originally both Houſes of Parliament met in one Houſe, when, of courſe, there was no difference whatever between the legiſlative capacity and the judicial capacity, except thoſe diſtinctions which they themſelves laid down. He did not mean to deny the exiſtence of things which appeared in books. He had omitted, his Lordſhip ſaid, a great many inſtances of precedents, which he might have mentioned. He ſhould, he obſerved, be very glad to have the impeachment diſmiſſed, without any more trouble, provided it could be done with credit and propriety. With regard to the Houſe, it might be extremely proper for their Lordſhips, acting legiſlatively, to conſider the future; but this mode of reaſoning would be very falacious, if they were to apply it in argument upon what was paſt, and in acting upon the law that was paſt.

It had been ſaid, his Lordſhip obſerved, that it would be extremely ridiculous to grant the Commons an inquiſitorial power, and the Lords a judicial power, when they could not

carry it into effect. This was not good reasoning; for all power that was possessed, was subject to abuse in the exercise of it, and the only remedy for such abuse was punishment. It had also been said, that Parliament was a permanent Court. His Lordship contended that it was not more so than a Court of Oyer and Terminer. The Commons were never considered by that House as a body acting in their parliamentary capacity, but when they were in the House of Commons. The House of Commons were the virtual representatives of the people, and ought to be considered as their strength and glory. The House of Commons, he said, virtually represented the Commons of England, although not actually; but whether they represented them in one way or in another, their whole authority rested in the House of Commons, and was united to that alone. The impeachment, it was true, was in the name of all the Commons of England, which were a permanent, durable body, and therefore it had been said, that as long as the people existed, the impeachment could not possibly abate. This reasoning was not more conclusive than in the other cases. Suppose, said his Lordship, a grant were made, and the bill did not pass, would any one contend that the grant stood good for another year? The question was of that nature, his Lordship said, considering the turn which the debate had taken, that he wished to have decided it that night, if it could be decided consistently with the dignity of the House; and if it were determined that night, he should have the pleasure of not spending such another fatiguing evening as that had been.

Lord *Loughborough* took the opposite side of the question, in reply to the Lord Chancellor, whose arguments he followed, and combated, upon what he termed indisputable authorities; authorities, which he asserted to be clearly and incontrovertibly the doctrine of the law of Parliament, as founded in reason, supported by usage, and uniformly acted upon, as undeniable precedents proved. Lord Loughborough.

His Lordship entered at large into the history of writs of error, and reasoned from it to shew, that they continued, and were not abated by either prorogation or dissolution. He maintained, that the only difference between prorogation and adjournment was, that the latter was the act of either House of Parliament, and the former the act of the Crown, both of them operating to the same effect, viz. to adjourn Parliament.

In reply to the Lord Chancellor's doctrine, that abstractedly, and in the true sense of the word, prorogation meant the power of adjourning the day of meeting before a Parliament, or session of Parliament had assembled, and not any

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subsequent adjournment of the House, as it was now practised, Lord Loughborough said, that without referring to the abstract sense of the word 'prorogation,' the usual application of it was the point that could alone be worth consideration. Without, therefore, calling upon the learning that had been displayed in the definition of the word by the noble and learned Lord on the woolsack, it was sufficient for his argument, that he talked of the light, and annexed to it the meaning, in which nine persons out of ten would say they saw and understood it.

His Lordship also controverted the Lord Chancellor's doctrine, that the House of Commons did not impeach, in the name of all the people of England; and he asserted that they did emphatically prosecute in the name, and on the behalf, of all the people of England. The noble and learned Lord, he observed, had said, that the House of Commons did not really, but only virtually, represent the people of England; but the fact, he contended, was, that they were sent to Parliament as representatives of the whole people, by those qualified to chuse representatives; and the clearest proof of this that could be adduced was, and a stronger need not be sought after than that which the noble and learned Lord had himself stated, viz. the power of the Commons to grant supplies. What was it, he asked, conveyed the money into the public coffers out of the pockets of the people of all ranks and descriptions individually? The vote, he answered, of the House of Commons, who were constitutionally vested with the functions and powers of voting the money of all the people, to apply the money so voted to the promotion of the general interest of the whole.

But the noble and learned Lord had said, that the House of Commons voted the money of their Lordships, as well as the money of the Commons of England. It was true they did so; but when? Not before their Lordships, in their parliamentary capacity, had personally signified their consent to such votes. It was therefore most indisputable, that the House of Commons represented all the people of England, and voted and prosecuted in their name and behalf. Their Lordships voted for themselves; and had the single advantage of being the Judges before whom popular prosecutions of the first and highest order, viz. impeachments, were brought to trial by the House of Commons, who, on those occasions, were the accusers.

In settling the constitution, his Lordship said, every thing that was single and indivisible was wisely lodged with their Lordships; every thing that was divisible, was given equally to the two Houses, after the separation of the Parliament, and the discontinuance of the ancient custom of the Parlia-

ment,

ment, (both Lords and Commons) fitting in one chamber, and under one roof. Hence every thing that was judicial was vested in that House, and every thing of a legislative nature divided equally between the two; and this it was that gave the true poise and character to our constitution; a monarchy, something of an aristocracy, and a sober and temperate democracy, constituting its frame.

Let not their Lordships, therefore, act incautiously with regard to the popular part of the constitution! let them look about them, and be warned! let them not deny that the people were any thing, lest they compelled them to think they were every thing. Having said this very emphatically, his Lordship observed, that the formal cause of their parliamentary powers had been confounded with the efficient cause. The writ of summons, he said, was merely the formal cause of their being assembled as a Parliament, but that their efficient parliamentary privileges and functions derived themselves from the constitution itself, and were uniformly the same; and this was so obvious, that he was rather astonished that it should have been at all mistaken.

Having cleared up this, his Lordship went into a detail of the cases to be found in the volume on the table, and in the pamphlets which had been written on the subject, many of which, he said, were extremely ingenious, and highly useful to any individual who wished to make himself master of the subject. He declared it had fallen in his way to have read most of them, and he held himself much obliged to the respective writers for the very essential assistance they had afforded him. He went through the particulars of the impeachment of the five Popish Lords, that of Lord Danby, that of the Earl of Stafford, that of Lord Salisbury, and others, down to that of Lord Oxford, of which he only said a few words, observing, that as it had been already sufficiently discussed in the course of the debate, he would not, at so late an hour, trespass farther on the time of the House. He mentioned the character of Lord Nottingham in terms of the highest panegyric, and said, that it was a singular circumstance, that in times when men's fame was liable to be destroyed by the gust of calumny, and to be wounded by the shafts of detraction, was so common, that few who acted at all in public life, and mixed in the politics of the day, escaped unhurt, Lord Nottingham should have passed through that difficult period, filling great offices, and standing in an elevated station, without having his character once tainted by the breath of defamation, his integrity once questioned, or his knowledge, his judgement, or his firmness, and steady perseverance in rectitude, disputed.

His

His Lordſhip laid great ſtreſs on Lord Nottingham's famous ſpeech to the new Parliament, after one of the diſſolutions, ſuppoſed to have had their origin in order to defeat the then depending impeachment. By that ſpeech, in which Lord Nottingham (then Chancellor) earneſtly exhorted the Lords to pay due attention to the preceding impeachments, it was evident what Lord Nottingham's opinion on the ſubject of continuance of impeachments was.

His Lordſhip alſo mentioned the circumſtance in Lord Danby's caſe of the King's taking the Great Seal and affixing it to the pardon of the Lord High Treaſurer himſelf, and ſubſcribing it with his own hand; on which account the Houſe of Commons, then in exiſtence, had refuſed, moſt virtuouſly and conſtitutionally, to ſuffer the pardon to be pleaded in bar of the impeachment.

The whole tenor of his Lordſhip's argument, in all its parts, went to prove, that a continuance of proſecutions by impeachments had been recognized in theory, and acted upon practically, in far the greater variety of inſtances, that had occurred in proſecutions of that ſort. In the courſe of his ſpeech he again and again ſhewed that if the caſe were otherwiſe, and the Crown could, by a diſſolution, put an end to an impeachment, that mode of proſecution, deſervedly admired as it was by foreign writers, and deſcribed by Monteſquieu as the moſt beautiful feature of our conſtitution, would become a means of eſcape to the guilty, and a cruel weapon of injuſtice to the innocent. It would then be an impoſſibility to get at a bad Miniſter, let his miſdemeanors and crimes be ever ſo enormous; our much-boaſted conſtitution would loſe one of its beſt ſecurities, and miniſterial reſponſibility would become merely nominal.

In the courſe of his ſpeech, his Lordſhip pointed out the fallacies of Sir George Jefferies, and other Court ſychophants, in a reign of ſervility and courtly complaiſance, and reſted his argument, for his conſtitutional doctrines, on the authorities of Chief Juſtice Hale, Lord Clarendon, Judge Holt, and above all, Mr. Juſtice Foſter, who was, he ſaid, the beſt conſtitutional Lawyer that ever wrote on the ſubject, and from whoſe works he would, with the leave of the Houſe, read a paſſage on impeachments perfectly in point. His Lordſhip then read an extract, peculiarly appoſite to the ſubject, which ſpoke of the proceſs of impeachment as an inſtance "of the conſtant activity of the conſtitution," which lent a ſpirit and a vigour to the whole, far ſuperior to any thing to be found equal to it in the conſtitutions of other countries. After inſiſting upon this circumſtance, and the eſſential advantage of impeachments, in a conſtitutional point of view, his Lordſhip finiſhed a ſpeech, the delivery of which

kept his Lordship on his legs for nearly two hours and a half, with declaring that he should give his vote for the question moved by the noble Baron, feeling himself ripe to proceed to do so without farther delay.

Lord *Kenyon* prefaced his speech with declaring, that he had not intended to have said a word upon the subject that day, as he really had not imagined that the debate could have taken place so soon; being led to expect from all that he had heard upon inquiry, that the sole business of that day would have been to refer the report of the Committee on the table, (accompanied by some questions, in his mind, essential to the only proper means of fully discussing the subject) to the Committee of Privileges, and that there would have been at least an interval of eight and forty hours previous to the principal discussion taking place. Finding however, his Lordship said, that the debate had unexpectedly taken a different turn, and supposing that it was expected, from the station he held that he should deliver his sentiments, he rose to do so, but he would neither deal in extravagant encomium on impeachments, nor in invectives against them. Lord Kenyon.

He thought it right to declare in the onset, that the volume of precedents on the table had unfortunately come out so late, that by the time it was delivered, he was engaged in the discharge of his official duty, and in consequence had not been able to read a single page of the report. Having acknowledged this, his Lordship said, he was aware that it might be said to him, "if you profess yourself ignorant of these precedents, why do you presume to give your opinion on the subject?" In answer, he should say, that he had formed his opinion on other grounds, which fell within his reach, and which rendered him fully competent to make up his mind to the matter.

Having premised this, his Lordship solemnly exhorted their Lordships to consider that they had not the single case of an individual before them; the rule they laid down that evening would affect their own fame and fortunes, lives and properties, whenever they or their descendants might happen to be tried for treasons, in common as they would proportionably affect those of every other description of His Majesty's subjects, when tried for misdemeanors only; their Lordships ought therefore to be sure that they did not lay down a rule, which, however it might at first sight appear to be prudent and proper, might be liable, when brought into general operation, to prove pregnant with inconvenience, mischief and danger. Their Lordships, he said, ought to act in a case of that kind, as if they were aware that they were about to dip their hands in the blood of their fellow subjects.

 The

The whole of the queſtion, his Lordſhip ſaid, appeared to him to lie between the two reſolutions, that of 1678 and that of 1685, upon which his Lordſhip deſcanted at ſome length. One of them, he ſaid, had, as it was well known, been made on the ſpur of an occaſion, which was a bad feature in any rule that was meant to apply generally in future, and what was ſtill worſe, that reſolution was meant, as it afterwards turned out, to be calculated to countenance the aſſaſſination of an individual under colour of law. Whatever, while their paſſions were warm and their prejudices ſtrong, men might think of the conviction and ſentence of the unfortunate Viſcount Stafford, he believed there was no man now, when reaſon had reſumed her ſeat, and ſober reflection had ſucceeded to the violence of party feeling, but was ready to agree with him in pronouncing the execution of Lord Stafford a legal murder.

After commenting upon this fact, his Lordſhip ſtated that there were three diſtinct conſiderations which ought to weigh with their Lordſhips, in deciding upon every queſtion of criminal juſtice, as well in the ſuperior mode of proceeding by impeachment, as the inferior proceſſes in the lower Courts, viz. that they were not only to view the conſtitutional right of the Commons to impeach, and their own functions in the character of Judges upon all trials of impeachment, but that there was a third part, viz. the party accuſed; who ought ever to be conſidered as entitled to their juſtice and their protection, and to be regarded with humanity.

His Lordſhip confeſſed himſelf at a loſs to comprehend what a noble and learned Lord meant, by denying that the writ of ſummons was the ſource of their authority and power, as Members of a Houſe of Parliament, acting in a judicial capacity. In his own caſe, he well knew that His Majeſty's writ, conſtituting him to fill that ſituation, which he unworthily held, gave him the right to judge all thoſe cauſes that were brought before him. It did not certainly ſpecify what thoſe cauſes were to be; but it gave him that authority, without which he could not have taken his ſeat on the bench of Judgement. In like manner, he could not have come into that Houſe to act as one of Mr. Haſtings's judges, had not His Majeſty's writ of ſummons called him there. It was undoubtedly true, Lord Kenyon ſaid, that Mr. Juſtice Foſter was, as a noble and learned Lord had termed him, a great legal authority; but Mr. Juſtice Foſter, in one part of his writings, ſupported the abatement of a diſſolution; and ſure he was, Mr. Juſtice Foſter would not have countenanced ſo dangerous an idea, as ſuffering it to be inſinuated that they were to conſider the law as it ought to be, and not the

law as it was. The latter, and no other, ought to be their rule of conduct. He said, if dry legal reasoning, and a strict attention to forms of practice, (on which substantial justice depended) were unpleasant to their Lordships, they had better not call on lawyers for their opinions, but either send them out of the House, or not suffer them to babble there.

His Lordship spoke of Chief Justice Hale in terms of strong praise, declaring that it was an undoubted fact, that Chief Justice Hale would never sit on a criminal cause, because he doubted the authority of Cromwell to try any such causes. His Lordship said, he was in great hopes that what had been laid down with so much weight by the noble and learned Lord on the woolsack, would have been adopted, and that they would have referred the matter to a Committee of Privileges. Such a line of conduct would, he thought, have lent a solemnity, a grace, and a dignity to their proceedings, which he could not but feel that a consideration of so much magnitude absolutely required.

Earl of Guildford

The Earl of *Guildford* apologised for rising at so late an hour, which he ascribed to his wish to hear the arguments of the first legal authorities in that House, before he delivered his own opinion, but that he would not trouble them long. He began by expressing his astonishment that any noble Lord should call for farther delay. He, for one, was ripe to decide the main question then; and even had he been in doubt, and undetermined before, what he had heard that night would have settled his doubts, and convinced him, that considering the law as it was, and not as it ought to be, as their Lordships had been desired to do, the law undoubtedly was, that an impeachment did not abate by a dissolution. He reminded their Lordships, that the question had been before the House three months; if therefore, as the noble and learned Lord who was worthily placed in the first office of the criminal law, had told them, that delay would give grace and dignity to the prosecution, it had already had that grace and dignity. Any farther delay must, he should conceive, be an useless procrastination.

The noble and learned Lord had talked of humanity; the question, he understood, was a question of law, and the principle of our law was always humane; any other humanity, therefore, would be foreign to the consideration, when they were to consider the law as it was. His Lordship said it might be equally conducive to the ends of justice and of humanity, that a person accused by an impeachment should have as early an opportunity afforded him as the nature of the case would admit, of making his defence and clearing himself, if possible, from the load of obloquy and aggravation of guilt that might have been heaped upon him pending an

impeachment. If therefore an impeachment abated by a dissolution of Parliament, an innocent man, (for so ought every man to be considered, till he was proved to be otherwise) would be deprived of the only means of proving his innocence, and thus stamped with infamy, which he would never wipe away during the remainder of his life. His Lordship laid great stress on this, and on the power that a bad Minister would have to screen himself, and persecute his political foes, if the doctrine were to obtain, that an impeachment abated on a dissolution of Parliament. Should that doctrine ever be revived, his Lordship said, impeachments would no longer be looked up to as the first grand medium of criminal prosecution for delinquents whose crimes came not within the reach of the ordinary course of Justice, but they would be converted into instruments of tyranny, under colour of law, to screen the guilty, while they could not be of any service to the innocent.

His Lordship denied, that the writ of summons gave Members of that House their functions. The writ, indeed, summoned them to meet at Westminster, but they possessed the right of being Judges, as their ancestors had done before them, as a matter of indisputable hereditary right. It had been said, he observed, that there were no longer the same accusers. Those who argued thus, forgot that the majority of the new House of Commons was the same as had sat in the former House, and when they came into Westminster hall, they would probably find the same individual accusers managing the impeachment. His Lordship in a general way touched on the cases of Lord Danby, Lord Salisbury, Lord Peterborough, and the Earl of Oxford; and after an able speech in support of the original question, concluded with returning thanks to their Lordships for their indulgence.

Lord King — Lord *King* said, he was amazed that the noble Earl who had just sat down, should have ventured to have taken any part in the debate. The noble Earl had himself been an accuser, and it was, in his mind, highly indecent for any noble Lord so circumstanced, to interfere with the order of proceeding, the instant they became one of the Judges. Lord King said, his opinion that day was, that they should not suddenly be sent into Westminster hall without having at all considered the precedents on the table, because he saw no use in having appointed a Committee to make so voluminous a report, if they were to pass it by, and take no notice of it, before they decided on the general question.

Earl of Guildford — The Earl of *Guildford* asked if there was any thing indecent in having exercised his right as a Peer to deliver his opinion on great constitutional question, because he had been a Member of the House of Commons when the impeachment had been voted?

voted? He had certainly, his Lordship said, concurred in that impeachment, though he had never concerned himself in the management or progress of it since. The question of that night was not the little case of Mr. Hastings, but a great constitutional question, whether impeachments did or did not abate on a dissolution of Parliament? If the noble Lord, thought no Peer, who had not sat in that House above three years, had a right to deliver his sentiments, or to exercise the functions common to them all, viz. that of sitting as Judges on every impeachment that came before them, sure he was, the Court, when they were called on by their duty to go into Westminster hall, would be thinned of its Judges more than the noble Lord perhaps might wish. But if it was indecent in him to deliver his opinion on a question that affected not only their rights and functions as Peers of Parliament, but one of the most essential points of the constitution, (involving in it no less than the responsibility of Ministers,) he presumed it could not be more indecent in him to deliver his sentiments, than it had been in the noble Secretary of State, (who so much to his own honour and their Lordships' advantage, had distinguished himself so eminently as the head of the Board that framed and drew up that voluminous report on the table,) or in the noble and learned Lord so worthily set at the head of the criminal justice of the kingdom. Not that he meant to cast the least censure on either of them, he knew their conduct had been commendable; he would not say that his own conduct had been commendable, but at least he trusted, that he had not been guilty of an impropriety, much less of any indecency in his conduct that day.

[An approving cry of hear! hear! from all parts of the House.]

Lord *Grenville* rose and pursued the steps of Lord North, (whom he termed his noble friend,) in defending himself from the imputation of having acted either improperly or indecently, in taking an active part in the business then before them. His Lordship said, if the noble Earl, who spoke last, deserved censure for having delivered his opinion, how much more must he merit condemnation, for having presumed to give his sentiments to the House, since he made no scruple to confess, that he had stood forward in the other House of Parliament as an advocate for the impeachment, and, by speaking and voting, done every thing in his power to promote it, because he thought there was matter of charge enough in the articles, to make an impeachment necessary for the national honour, and for the ends of national justice.— When acting as an accuser, he had done his duty, and no more; but called upon as he then was, by a change of situation, to act as a Judge, he trusted he should do his duty Lord Grenville.

likewise,

likewise, and God forbid that he should be in the least influenced by his past conduct, as an accuser!

The motion then before their Lordships, Lord Grenville said, had no relation to Mr. Hastings; and those who viewed it in that point did not properly consider its importance; which was of infinitely greater magnitude than a question relative to an individual. With regard to any objection that might be taken to him, on account of his lately having the honour of a seat in that House, or to any other noble Lord on that account, the argument had no weight whatever in his mind, nor ought to have any on the minds of their Lordships, because it was a circumstance incidental to all impeachments, whether they continued only one session of Parliament, or ten sessions. Besides, the argument on that head would extend infinitely farther than the noble Lord who had stated it seemed to be aware of. It would serve equally as an argument on the appointment of every new-made Bishop, or the election of a new Peer of Scotland, much more such a change as the general election usually occasioned. In short, Lord Grenville said, there would be no end to such an objection; it was of a sort that could not be made applicable in any case where the trial of an impeachment took more than a single day.

Having put this argument in a perspicuous and strong point of view, his Lordship proceeded to argue the main question, and began that part of his speech with declaring, that what he had hinted at as his opinion, when he last troubled their Lordships, had been fully confirmed by what he had heard in the course of the debate; in which the question, he was convinced, had been as fully debated, and as ably discussed, as it would have been, had the report been referred to a Committee of privileges. His Lordship proceeded to state his argument in detail, promising their Lordships to press his reasons into as small a compass as he possibly could. So amply however had his Lordship considered the subject, and so ably prepared was he, to reason it in every point of view, that he was nearly two hours delivering his sentiments, which he did, with a great degree of accuteness and solid argument.

His Lordship spent a principal part of his speech in considering and examining the two resolutions, that of 1678 and that of 1685, which (to use his own phrase,) he traced to all their bearings on the question before the House. He also spoke of the different cases that had been alluded to by different Lords, and answered many points of the Lord Chancellor's speech, particularly holding up to their Lordships, what would be the situation of a party accused by the Commons, if the Crown, for its own purposes, or the Minister, from political views of his own, had it in either of their powers,

by the manœuvre of a diſſolution of Parliament, to put a ſtop to a trial on articles of impeachment, either before the priſoner had made his defence, or before judgement was pronounced, or in any way ſo, he would, however, ſay, as to leave the proceeding unfiniſhed. He preſented the reverſe of the picture alſo, and ſhewed moſt unanſwerably, that the exiſtence of the conſtitution itſelf would be at the mercy of a Miniſter, if ſuch a power was ſuffered to exiſt in any free country.

Lord *King* roſe again, and ſaid, notwithſtanding the ſhout of hear! hear! he had not thought it neceſſary to riſe, when the noble Earl near him ſat down after his reply; he would, however, now ſay that he had not meant any perſonal offence to the noble Earl or to his noble friend, but ſtill he thought thoſe, who had ſo lately been accuſers, ought not ſo early to take an active part as Judges. If either of the noble Lords choſe to walk into Weſtminſter hall as a Judge, he had not the ſlighteſt objection; but he did not wiſh to be forced to go there himſelf raſhly, and with the voluminous report on the table wholly unconſidered. Lord King

Lord *Lanſdown*, who had riſen as ſoon as Lord Grenville ſat down, ſaid, that when he had taken the liberty of recommending it to their Lordſhips to go into a Committee of privileges, he had, among other reaſons, done ſo, in order to prevent what he was afraid would happen, and which actually had taken place, viz. that if the debate upon the motion went on, it would continue to ſo late an hour, that noble Lords would be rendered unable to ſtate their opinions fully. That was, his Lordſhip ſaid, preciſely the caſe with himſelf; the late hour and the fatigue their Lordſhips had undergone, having made it impoſſible for him to attempt to deliver his ſentiments at any length. Lord Lanſdown

Having premiſed this, his Lordſhip ſaid he muſt utterly deny the principles that had been laid down in the courſe of the debate, as the leading principles of the law of Parliament; ſo far from it, the uniform practice of Parliament went directly in the teeth of ſuch ſuppoſed principles. Their Lordſhips, he contended, had no right to go in ſearch of extraneous ground of argument, and to reaſon upon fanciful deductions of analogy, but were bound to be governed by precedent, where precedent was conformable to law and reaſon, and not on the ſpur of the occaſion to make a new caſe. His Lordſhip ſtated the difficulties in which legal conſiderations involved every man, who had no profeſſional knowledge; in particular, he ſtated the abſurdity of the law in the caſes of wills; landed property deſcending, and perſonal property aſcending. The Marquis mentioned other abſurdities of law, to warn their Lordſhips from wandering out of the caſe, declaring

ing that they were confined to the simple and single consideration of the law as it stood. It was not to be considered as the case of an individual, but as a general rule of law, of which they were establishing or violating a precedent, and therefore, exclaimed his Lordship " perish ten thousand Mr. " Hastings, rather than one atom of the law as it stands, " should be disturbed !"

It had well been said, the Marquis observed, by a noble and learned Lord at the head of the criminal Justice of the kingdom, that the whole question lay between the resolution of 1678 and the resolution of 1685. His Lordship argued upon these two resolutions, contending, that as the resolution 1685 annulled that of 1678, the resolution of 1685 was clearly to be taken as the rule of proceeding, and was applicable to the present case. In order to make out this, the Marquis went into the history of the two periods, and said, he had been highly pleased on hearing the encomiums passed by a noble and learned Lord, on that great character, my Lord Nottingham, than whom, a man of more strict integrity, profound knowledge of law, and strong sense, never held the high office of Chancellor of England. It was, he said, on Lord Nottingham that he rested his opinion entirely; an opinion fully confirmed by what he had heard since he came into the House. He meant that Lord Nottingham should speak for himself, for he declared, he held him in his hand, and when their Lordships had heard him, he should be surprized if they were not as fully convinced as he was.

Before, however, he read a syllable of Lord Nottingham's own writing, his Lordship said, he held himself bound to state how the work fell into his hands. He begged their Lordshipn therefore to know, that he was a great collector, a much greater indeed, than he was a reader; that he had purchased many manuscripts of Mr. Car and Mr. West, names well known, and, among others, the manuscript he held in his hand was one. His Lordship then read a testimonial of the authenticity of the manuscript which was signed by the transcriber, who declare that the copy he wrote it from, was lent him by Arthur Onslow, Esq. Speaker of the House of Commons, (at the time that the testimonial was dated) who assured him, that he (A. O. Esq.) had the MS. from a person of character, (naming him) and that person asserted it to be a correct copy of a genuine letter of the late Lord Nottingham on the subject of Lord Danby's case, written in the year 1683; and in 1684 the Marquis said, Lord Nottingham died. Exclusive of this testimonial, his Lordship said, the MS. bore internal proof of its having been the work of Lord Nottingham. Having premised this, the Marquis read a passage of the MS. referring to the resolution of 1678, and declaring

that

hat it must be revised, and corrected, for that in the first place it was a mistake to suppose that an impeachment went on from Parliament to Parliament. It could not be, &c.—His Lordship in fact contradicted what had been the prevailing opinion of those times. Having with great propriety and force of emphasis read the whole passage. his Lordship commented upon the application of it, observing ultimately that as it was so much stronger than any arguments he could adduce at that late hour of the night, he would trespass on their Lordships time no farther, but would content himself with opposing the main motion, although he could not help observing, that a certain description of noble Lords had been convened on purpose to carry the question.

Lord Loughborough.

Lord *Loughborough* rose again, and said, he had it in command from a noble Earl, at present Lord President of the Council, to do that for him, which the late hour, and extreme fatigue, would not permit him to do for himself, viz. to state that the noble Earl's opinion coincided with his own, and that he had left with him an opinion of Selden, that the new Parliament, in the impeachment of the Duke of Buckingham, did hold, that they might, if they had chosen it, have called upon their Lordships for judgement against the Duke; a clear proof that they did not think the impeachment was at an end! Lord Loughborough, said, he had another high authority to quote, viz. that of a learned and venerable Earl, who had authorised him to say, that if the present question were carried, it would be strictly conformable to the law of Parliament, and consistent with precedents. With regard to what the noble Marquis had read as a MS. of Lord Nottingham, they, his Lordship said, were in possession of the best proof of Lord Nottingham's opinion, viz. their own journals, which contained the noble and learned Earl's speech, a speech which Lord Nottingham did not contradict, when he afterwards sat as Lord High Steward, on the trial of the Earl of Stafford. There might also, his Lordship said, be some reasonable degree of doubt entertained as to the authenticity of the MS. read by the noble Marquis.

Marquis of Lansdown.

The Marquis of *Lansdown* in vindication of the authenticity of the letter of Lord Nottingham, said, he would not have presumed to have produced the MS. had he entertained the smallest doubt of its authenticity, on the contrary, he had no doubt whatever on the subject. If, however, upon inquiry, it should not prove authentic, the Marquis declared, he would be the first to state that it was spurious. With regard to the degree of credit due to its declarations, he could not but think a letter written in a man's closet, the year before he died, deserved more credit than any public address of a public man; and the more especially, as in 1685 the very

circumſtance Lord Nottingham in his letter predicted, happened, viz. the reviſion of the reſolution of 1678, and a new reſolution entered into to annul it. The Marquis ſaid, he had underſtood that Lawyers did hold themſelves warranted profeſſionally to ſtrain their ſincerity a little, and aſſume an appearance of belief in favour of their clients, which they did not really feel. The noble and learned Lord beſt knew whether the fact were ſo or not, as he underſtood the profeſſional track which Lawyers purſued, better than he could be ſuppoſed to do, but he would not preſume to ſay that they did act in that way; it was not for him to put ſuch a matter to the queſtion.

Ld. Chancellor. The *Lord Chancellor* ſaid, when he laſt left the woolſack, he had alluded to the ſame opinions of Lord Nottingham, which he underſtood to be, that, before the year 1678, as the law then ſtood, and as afterwards confirmed by the reſolution of 1685, an impeachment abated on the diſſolution of Parliament, but might be renewed in the next Parliament, and the ſame evidence, given before, was adduceable as proofs, and might be ſtated upon the renewal of the impeachment.

Lord King thinking he had been miſunderſtood, ſaid a few words in explanation.

Biſhop of Saliſbury. The *Biſhop of Saliſbury* ſaid, it was not his intention to have riſen that day to ſay a word to the queſtion, had not the noble Marquis in his laſt ſpeech apparently addreſſed himſelf acroſs the Houſe to the Bench on which he and his reverend brethren ſat, and declared, "that he ſaw a certain ſet "of Lords were convened for the purpoſe of carrying the "queſtion." If by that declaration the noble Marquis meant to caſt any ſuch imputation on him, the Biſhop declared, he could not ſit eaſy or ſilent under it, becauſe he was conſcious that he had not been convened for any given purpoſe, nor would he ever come down to anſwer any man's purpoſe. He came down that day to vote according to his conſcience; he had liſtened with attention to all that had been ſaid upon what he conſidered as a great conſtitutional queſtion, and with a mind perfectly open to conviction; but notwithſtanding what had fallen with ſo much weight and authority from the noble Lord on the woolſack, and from the other noble and learned Lord near him, (Lord Kenyon) he muſt ſay that he was confirmed in thinking with other noble Lords that the trial muſt continue.

Lord Lanſdown. Lord *Lanſdown* roſe to explain. He ſaid, he meant nothing perſonal to the Rev. Prelate, or any on that Bench in particular; but, when he talked of "Lords being convened to "carry the queſtion," he acknowledged that he took in the Bench of Biſhops, together with many other noble Lords.—

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The Marquis then went on, in a tone of irony, to ſay, that he was ſure the Rev. Prelate could have no bias, no prejudice in favour of Miniſtry; that he did not ſet his mind on the things of this world; the noble Prelate looked for a better, not to any thing like temporalities, tranſlations, or preferments. Indeed he had formerly had perſonal occaſion to know how little inclined the Rev. Prelate was to better his ſituation, or how little anxious he was to puſh his intereſt for preferment.

The Biſhop of *Saliſbury* roſe again, and after urging the indelicacy, (the Biſhop ſaid, he had almoſt uſed a more ſtrong expreſſion) of ſuch an attack as the noble Marquis had thought proper to make on him, without any provocation on his part, ſaid, however his ſituation had been changed by tranſlation for his greater eaſe, he had to thank a benignant Sovereign for his goodneſs, not at the requiſition, but in oppoſition to the known wiſhes of the noble Marquis. Born a younger brother, the Biſhop ſaid, he had no right to have expected the good fortune that had attended him, and the more eſpecially as he had no pretenſions to ſuperior learning or ſuperior talents. He was contented where he was, and thankful to a kind providence, and a gracious King, for what he had; for no part of which, however, did he ſtand in the ſmalleſt degree indebted to the noble Marquis. Biſhop of Saliſbury.

With regard to the Miniſter, his Lordſhip ſaid, he was not perſonally acquainted with him; he had never aſked any favour of him, nor ſhould he ever aſk any; but he could not help admiring his character and conduct, and while he continued to diſtinguiſh himſelf ſo eminently as he had done, by his private virtues and his public ſervices, he certainly would give him his ſupport; which he had as much a right to do, as the noble Marquis had to act otherwiſe, ſtanding, as he did in that Houſe, an independent Lord of Parliament.

Called upon perſonally in ſo extraordinary a manner as he had been, the Biſhop ſaid, he was obliged to ſay what their Lordſhips had heard from him; otherwiſe he ſhould have been aſhamed to have ſpoken a ſingle word about himſelf. His Lordſhip then repeated, that his only object had been conſcientiouſly to give his opinion and his vote, on what he could not conſider otherwiſe, than a great conſtitutional queſtion.

The Marquis of *Lanſdown*, riſing once more, ſaid, that a name had been introduced into the debate which he certainly could not have alluded to, had it not been done by another, and he ſo perſonally called upon to make ſome reply. He begged not to be underſtood as having in any ſort attempted to diminiſh the reſpect due to his Sovereign, to whom he owed too much to ſuffer it for a moment even to be imagined, Marquis of Lanſdown.

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that his Majeſty ever did any thing contrary to the advice of his Miniſters. Sure he was, that His Majeſty never acted ſo unconſtitutionally. With regard to any improper warmth that he might have betrayed, the Marquis ſaid, the Rev. Prelate had attacked him perſonally, and that naturally begot a reply, and although he meant no offence to that right Rev. Prelate, he owed it to truth to declare, that the Rev. Prelate was indebted to him for a part of his preſent preferment, and that he never had been aſked for a favour with more importunity in the whole courſe of his life.

The Lord Chancellor ſtopped this altercation, by putting the queſtion on the amendment, moved by the Earl of Radnor; when the Houſe divided:

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Not Contents	—	70
Majority	—	50

The original motion, "That a meſſage be ſent to acquaint "the Commons, that this Houſe is ready to proceed in the "trial of Warren Haſtings, Eſq." was then put, and the numbers were,

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Not Contents	—	18
Majority	—	48

The Houſe adjourned.

Thurſday, 19th May.

Lord Grenville preſented to the Houſe a meſſage ſimilar to that preſented to the Houſe of Commons on Wedneſday laſt, relative to the eſtabliſhment of the younger branches of His Majeſty's Royal family, and the ſame having been read by the Lord Chancellor,

It was moved, "That an humble addreſs be preſented to His Majeſty, to return His Majeſty the thanks of this Houſe for his moſt gracious meſſage; and to aſſure His Majeſty that this Houſe will moſt heartily concur in ſuch meaſures as the circumſtances of the caſe may require, in making ſuch proviſion as may be thought requiſite for the eſtabliſhment of the younger branches of his Royal family."

The ſaid addreſs was ordered to be preſented to His Majeſty by the Lords with white ſtaves.

The Houſe adjourned.

Monday, 23d May.

This day the following petition of Warren Haſtings, Eſq. was preſented and read, praying that his trial might be brought

brought to a concluſion before the next prorogation of Parliament.

To the right honourable the Lords Spiritual and Temporal in Parliament aſſembled.

The humble petition of Warren Haſtings, Eſq. late Governor General of Bengal,

Sheweth,

"That your petitioner having long waited in anxious expectation of your Lordſhips' determination reſpecting his re-appearance at your Lordſhips' bar, finds himſelf relieved from one ſubject of ſuſpence, by being again brought before this high Court; and he has ſo great a confidence in the juſtice and dignity of your Lordſhips, as to believe that in this renewal of a trial ſo long depending, your Lordſhips mean to render it effectual to the ends of ſubſtantial juſtice, by proſecuting it without delay, until it ſhall reach its final termination.

"If ſuch ſhould be your Lordſhips' purpoſe, your petitioner will accept it as the greateſt bounty which he can receive at the hands of your Lordſhips; but ſhould his trial be adjourned over to another year, he truſts that he ſhall not be conſidered as departing from the reſpect which he bears to your Lordſhips, if he preſumes to ſay, that he ſhall feel it as an aggravation of the very ſevere lot which it has been his misfortune to experience, and of which he is the firſt example in the juriſprudence of this kingdom, if in any other a precedent can be found, of a criminal trial being ſuſpended over the head of an individual, living under a fixed law and a civilized Government, during ſo long a period of his natural life, and ſo near the cloſe of it.

"That four years are completely elapſed ſince your petitioner was firſt compelled to appear, at your Lordſhips' bar, to hear read, and to anſwer to the charge preferred againſt him by the late honourable Houſe of Commons, but that he computes the origin of their impeachment from a much more diſtant date, the firſt notification of an accuſatory proceſs having been made ſo long ago as June 1785, the proceſs itſelf begun in February, 1786, and continued through one prorogation and many adjournments until May, 1787, when the impeachment was carried to your Lordſhips' bar; ſo that in effect, though not in form, your petitioner has been the ſubject of a criminal proceſs before two Parliaments, and through ſix ſucceſſive years, yet his proſecutors to this time have cloſed their evidence upon three articles only, namely the firſt, ſecond, and ſixth, omitting many points of thoſe articles, but ſelecting a very few points from the 7th and 12th,

as explanatory of the 6th article. That your petitioner craves leave to represent, that he did in an early stage of the first inquiry cause it to be represented to the late honourable House of Commons as his earnest request, that if the said House of Commons should enter upon their journals any vote of crimination or censure against him, they would be pleased to allow your petitioner the means of a fair and legal trial for the same; but that the object of your petitioner in making that request was, that he might be afforded the means of vindicating his character from the foulest and most unjust aspersions, but he has to lament that those aspersions should have been renewed and repeated from week to week, from month to month, and from year to year, without any power of reply, or prospect of time allowed him for his defence and acquittal. That great as his reliance is on your Lordships' justice, it is yet impossible for him, judging from past experience, not to feel the apprehensions of farther delay, when he recollects that the last great adjournment of the Court held by your Lordships in the preceding Parliament, was made on the 9th of June, and that in neither of the preceding years did it sit later than the 7th of July; that therefore the longest interval which he can compute for what remains of this session of Parliament, in its ordinary course, will be insufficient to enable your petitioner to enter upon his defence, much less to bring it to a conclusion, but that he will have to sustain the intolerable grievance of seeing another year of prosecution added to the past.

"Your petitioner therefore most humbly and earnestly prays your Lordships to take the particular and unprecedented hardships of his case into consideration, and to adopt such measures as your wisdom may devise, for continuing the proceedings of your Lordships' Court, so that the trial may be brought to a close, and judgement given before another prorogation of Parliament, your petitioner craving leave to assure your Lordships that no unnecessary delay shall be made on his part, but that he will endeavour to take up as short a time as possible in his defence."

The above was read, and ordered to lie on the table.

This day being appointed for the farther consideration of the trial of Warren Hastings Esq., their Lordships went into the great Court in Westminster hall about one o'clock, and after the usual ceremonies observed, and the proclamations by the Serjeant at Arms had been made, Lord Kenyon (who sat as Speaker for the Lord Chancellor) directed the managers for the Commons to make good their charges. Mr. St John, one of the managers, then came forward, and proceeded to open the fourth charge, and having concluded, several extracts of evidence were read, and a witness (Mr. Benn) examined.

amined. Mr. Hastings addressed the Court in a speech, the substance of which is contained in his petition. At six o'clock the Court adjourned, and their Lordships being returned to the House of Lords, a message was upon motion ordered to be sent to the Commons, to acquaint them that the Lords will proceed farther on the trial of Warren Hastings, Esq. on Wednesday next.

The House adjourned.

Wednesday, 25th May.

This day the procession into the great Court in Westminster hall to proceed on the trial of Warren Hastings Esq. began about half past eleven o'clock, and their Lordships being seated, the usual proclamations were made; after which Lord Kenyon (who sat as Speaker in the absence of the Lord Chancellor) desired the managers for the Commons to make good their charges. At a little past four a motion was made to adjourn, and their Lordships having got back to the House of Lords, a message was ordered to be sent to the Commons to acquaint them that this House will proceed farther on the trial of Warren Hastings, Esq. on Friday next.

The House adjourned.

Friday, 27th May.

This day their Lordships proceeded with the usual ceremonies to the great Court in Westminster hall, to continue the trial of Warren Hastings, Esq. and being seated, and the proclamations made, the managers for the Commons were directed by Lord Kenyon, to proceed to make good their charges. At five o'clock, a motion was made to adjourn, and their Lordships being returned, a message was ordered to be sent to the Commons, to acquaint them that this House will proceed farther on the trial of Warren Hastings, Esq. on Monday next.

A conference was held in the Painted Chamber adjoining to the House of Peers, at the desire of the Commons, relative to some amendments that had been made by their Lordships to the Flinwell Vent Road bill; Mr. Pelham, who was the acting manager for the Commons, delivered in the reasons for disagreeing to the amendments made by their Lordships, and the managers for the Commons then withdrew. The reasons so delivered in were afterwards reported, and read at the table, and upon due consideration thereof, it was agreed by the House, to insist upon the amendments made to the said bill, and to communicate the same to the Commons at a conference on Monday next. The Duke of Richmond was acting manager for the Lords.

The House adjourned.

Monday,

Monday, 30th May.

This day, about twelve o'clock, their Lordships proceeded in the usual manner into the great Court in Westminster Hall, on the trial of Warren Hastings, Esq.

Sir James Erskine St. Clair proceeded to sum up the charge.

When Sir James had finished, Mr. Burke came forward, and in a few words acquainted their Lordships, that the Managers for the Commons had fully completed their charges, reserving to the Commons a right to reply to the defence.

Mr. Hastings petitioned their Lordships only for one day, which, upon consideration, was granted him.

As soon as their Lordships had returned, and the House was resumed, a message was ordered to be sent to the Commons, to acquaint them, that this House will proceed farther in the trial of Warren Hastings, Esq. on Thursday next.

The following message was also sent to the Commons by Mr. Holford and Mr. Greaves, two Masters in Chancery, viz.

" The Lords do desire a present conference with this " House in the Painted Chamber, upon the subject matter of " the last conference."

The Managers for the Commons being come, notice was given to the Lords, who met them in the painted chamber, and delivered to the Managers for the Commons a paper, wherein their Lordships insist on the amendment made by them to the Flinwell Vent Road Bill, with their reasons. Their Lordships then retired, and the Commons withdrew.

The order of the day having been read for the House to resolve itself into a Committee of the whole House on the Canada bill, Lord Cathcart took the chair.

Mr. Graham and another Counsel were called to the bar, in support of the petitions on the table against different clauses of the bill.

After Counsel had been heard,

Lord Grenville. Lord *Grenville* rose, and said, he did not think himself called upon, on the present occasion, to go into the bill that was passed seventeen years ago commonly called the Quebec Act; nor did he conceive that it was necessary to enter much at large into any argument to shew that it was proper to make some alterations in that act. He did not think himself then called on to pronounce on that act either one way or another. That bill, his Lordship said, passed under particular circumstances; but how far it was well or ill adapted to those circumstances, he had no information; and if he had,

had, he conceived it was not at all neceſſary at that moment to enter into any ſuch diſcuſſion. It was ſufficient to ſay, that ſome alteration was certainly neceſſary, both from a conſideration of the preſent circumſtances of the times, and alſo from a conſideration that that bill contained a plain indication that it was paſſed with a view to its particular application to the circumſtances then exiſting, and the Parliament at that time foreſaw that an alteration would be neceſſary in ſome future period, when it would be proper to adopt another plan.

That moment, he conceived, was now arrived. There was no neceſſity for withholding from the inhabitants of Canada a participation of thoſe privileges which were enjoyed by the inhabitants of every other Britiſh colony. The province of Canada ſtood in a different ſituation from the other Britiſh poſſeſſions in America. It was not a colony planted, or originally conquered by this country, and to which the laws of Great Britain might be tranſported; but it was a province conquered from another nation, a colony already in poſſeſſion of ſettled laws, already in poſſeſſion of much agriculture, and of an extenſive commerce. This was the ſtate, with regard to the great majority of the Lower Province of Quebec; but there had been particular circumſtances, ſince the concluſion of the laſt peace, which had created a population in Upper Canada of a different ſort; a population which had not only been formerly acquainted with Britiſh privileges, but which had retired to that country for the expreſs purpoſe of enjoying them in greater perfection than they could elſewhere.

After theſe preliminary obſervations, his Lordſhip entered into a moſt able juſtification of all the principal clauſes of the bill. He ſaid, from the circumſtance of the inhabitants of the province conſiſting of two claſſes, it was judged proper to divide the province into Upper and Lower Canada, ſuch diviſion having a diſtinct legiſlature within itſelf. It had been ſtated that the French inhabitants of Canada were ſo much attached to the prejudices of the Canadians, to their cuſtoms, laws, and manners, as to prefer them to the laws of England. He thought ſuch an attachment deſerved a better name than that of prejudice. He conceived it was an attachment founded in reaſon, or in ſomething better than reaſon; in the beſt feelings of the human heart. His Lordſhip ſaid, it was undoubtedly a miſtake to ſuppoſe that any Government was free only as it approached to democratic principles. Abſolute monarchy, abſolute ariſtocracy, abſolute democracy, had, in the hiſtory of mankind, been tried in the ſcale of experience, and had been found wanting. Our own conſtitution, which was compounded of theſe three,

was the first in the world, and the envy of every surrounding nation. It was for that reason that they were now about to communicate the blessings of the English constitution to the subjects of Canada, because they were fully convinced that it was the best in the world. The Legislature of Canada consisted of three parts, representing that of this country. The Governor represented the King; the legislative Council represented that body in this country, whom he then had the honour of addressing; and it had been objected, among other things, to that Council, that it would consist of two different classes of persons, some only to sit for life, and others by inheritance. He said, there was precisely the same objection to the august assembly he had then the honour of addressing; some of that House derive their titles by inheritance, while others only sit for life, and a third class only during one Parliament.

It had been stated, he said, as an objection to this bill, that the lower province might oppress the higher province, as all the trade of the higher province must come through the lower province; the lower province might enact what duties it pleased, and might harrass and oppress the upper province to any extent, and that Great Britain could not possibly interfere consistently with her profession of giving a free constitution to Canada. He conceived that there was a difference between a free constitution, and a free and independent constitution. Great Britain had not only the power of enacting laws, which were obligatory on the inhabitants of this country, but she could alter and new model those laws according to the circumstances and exigencies of the times. If this were not so, is would be impossible for a nation to improve in any one part of its constitution; and if Great Britain had a superintending power over the laws and government of this country, he conceived that she had the same power over Canada; and that if the lower province were to oppress the upper province, by imposing exorbitant duties, it was competent to this country to hold the balance between the two provinces, and to remove the grievance.

Another objection had been taken to this bill, because all the commercial law of England had not been transferred in a lump to Canada. His Lordship said, he conceived that such a step would have been attended with many inconveniences. *In the first place*, many parts of the commercial laws of this country did not at all apply to Canada; and even in the city of London, where trade and commerce were better understood than in any nation upon the face of the globe, it was conceived improper to admit common juries at Guildhall, to exercise the rights of juries on mercantile questions, which were always tried by special juries of mer-

chants.

chants. If this were ſo, how much ſtronger did it apply to the inhabitants of Canada, who were infinitely leſs acquainted with the commercial law of this country, than any perſons in the city of London? If this ſyſtem, therefore, were to be introduced, it would be attended with the greateſt uncertainty and confuſion.

Another objection that had been ſtated to this bill was, that it had not rendered the Judges independent. His Lordſhip ſaid, this was certainly a circumſtance of very great importance, and a moſt deſirable object; but from the preſent uncertain ſtate of the law in Canada, he thought the appointing Judges in the way in which they were appointed in Great Britain, would be attended with much more evil than good. In this country no danger could poſſibly be apprehended from appointing a Judge for life, becauſe the laws were ſo well known, and the bar ſo enlightened, that if an improper act were to be committed by any Judge, it was ſure to be detected, expoſed, and puniſhed. He believed, however, that the Judges of this country acted from a higher and a better principle; they were truly ſenſible of the ſacred nature of their office, and the moral obligations they were under to do their duty. Although the Judges of Canada were not made independent by this bill, as it was at preſent conceived improper to appoint them but during their good behaviour, yet he conceived the time was very near when this could be done, ſo as to be productive of the greateſt good. Before it could be done, there muſt be a general ſyſtem of known laws, and ſuch ſalaries ſettled on the Judges, as would induce men of real abilities to undertake thoſe offices.

His Lordſhip next adverted to the ſtate of the clergy, and went very fully into this part of the bill, ſhewing that they had been anxious to make a decent and proper maintenance for the Proteſtant clergy of Canada. He ſaid the Government of Great Britain had been anxious to communicate to Canada a participation of all the bleſſings of the Engliſh conſtitution, as far as the circumſtances of the caſe would admit. They did not mean to give Canada exactly the ſame conſtitution, as, for inſtance, 558 repreſentatives. That was impoſſible in the nature of things; but their great object had been to adhere as nearly as poſſible to the purity and principles of the Engliſh conſtitution in every part of the bill; and being conſcious that the bill, upon the whole, was likely to anſwer the purpoſes for which it was intended, he hoped it would meet with that ſupport and attention from their Lordſhips, which the magnitude and importance of its object required.

Lord Abingdon

Lord *Abingdon* said, he rose to give his hearty assent to the bill, and to express his approbation of it, as it was founded on two reasons that very forcibly impressed themselves on his mind; reasons, however, which, inasmuch as he might have occasion, at some future time more particularly to discuss, he should then, without any deduction of argument from them, content himself with the bare mention of; and the reasons were these: first, that this bill operates as a repeal of two of the most unfortunate, if not the most unwise, acts, to say no worse of them, that ever found their way into the statute books; he meant the act of the 14th of the present reign, commonly called the Quebec Act, and the act of the 16th of the same reign, commonly called the Declaratory Act; acts, the first of which laid the foundation-stone of disunion between the North American colonies and this country, from the terrors of despotism that were therein held out, planned, enacted, and given to that country, for its form of government; and the second riveted that disunion, by attending to carry into effect the declaration of a right "to bind in all cases whatsoever," of which he forebore to speak: both these acts, by this bill, were repealed.

The second reason impressed upon his mind, was, that by this bill, this country was restored to its right, not of internal legislation over the colonies, for that right it never had, notwithstanding the pretended omnipotence of the Declaratory act, but to its certain, undoubted, and acknowledged external right of regulating the commerce of all its dependencies, for the sake of the navigation, and, insomuch, for the safety and general benefit of the whole British empire; a right which, if preserved, America had not been lost; which, if maintained, and not given up to Ireland, as it was, Ireland had not been in the state it had been, in the state he feared eventually it would be. But he would say no more on this subject, reserving himself to some other opportunity for a more ample discussion of it, in consequence of a motion which he might think proper to submit to their Lordships. But there was one other short remark which he would make upon this bill, and that was, that the bill was new of its kind, it being, as far as he knew, the first, (except the former unprecedented Quebec bill, unprecedented in every view of it) by which a constitution is given by an act of the Legislature to any of the colonies. Formerly, the constitution, or forms of government, in the colonies, were derived from the executive Government of this country. This formed the relation and connection between one and the other. This gave the colony the idea of one headship, of one King, without the idea of a House of Lords, or House of Commons,

mons, which involved in it the idea of a legislature, and so of course of legislation; and the executive Government, being part of the constitution of this country, and under the guidance and control of its Legislature, whilst it communicated to the colonies the true principles of the constitution, it governed and controlled them in the application, and kept them in the use and exercise of those principles. This was the dependency; and wise and just it seemed to be; but whether this new dependency upon the Legislature, instead of the executive Government, be wiser and more just, remained to be proved. His Lordship said, he should, however, vote for the bill as it now was.

Lord Rawdon.

Lord *Rawdon* said, that after what had been so ably and eloquently argued at their Lordships' bar in support of the allegations, contained in all the petitions that had been presented to the House, it would be both needless and unbecoming in him to detain the House with many observations from him upon the bill. Still, however, he would rely on their indulgence, while he stated a very few remarks on the three principal points, which seemed to those who were most conversant, and best informed on the subject, to be the most exceptionable, and which required to be particularly defined and well understood, before we ventured to make them any part of the legislative system for a country, the interests, prosperity, and general happiness of which depended much upon the laws and regulations we were now about to frame for its future Government. These points were, first, The division of the provinces. Secondly, The creating of heriditary nobility. And lastly, The independency of the Judges to be appointed for Canada. In all the able and merited panegyric which the noble Secretary of State had pronounced upon the excellence of the British constitution he perfectly agreed with him, and likewise would be the better pleased, the more of it that we could transfer to the new form of Government for Canada; at the same time he was well aware of the difficulty which must present itself to their Lordships' minds, and the caution which they must exercise when about to undertake so arduous a task as that which was now before them. He knew that it was not practicable to introduce the whole of the English laws, either criminal or commercial, at once; but had no doubt that a knowledge of such parts of them as might be transferred to Canada now, would soon encourage the gradual introduction of more.

With regard to the division of Canada, he never had been prepared by any thing he had heard to give his approbation of it; on the contrary, in the way proposed by the bill, he thought it would be sacrificing, in some measure, one part of the province to the other; and he owned, likewise, that he

was not quite satisfied that there was a power in the Crown, to make such a division as that marked out by the bill; but on this, he confessed, the learned gentlemen at the bar had left little for him to say. The experiment of hereditary nobility, which the bill set forth, he was afraid, could not be attended with any good effect, and from what information he had been able to collect, and form any judgement upon, would rather be a dangerous and unnecessary scheme; for he would ask, of what class those people were, that it was intended to make nobility? Was there, by the existing laws of Canada, any set of men, whose property entitled them to form any sort of a proper, respectable, and useful nobility? He feared there was not; and even if there should be, at this moment, what might be reckoned a sufficient number to form the necessary degree of aristocracy in that province, might it not be a question, whether it were proper to confer hereditary honours upon them, or of what utility that could be to the other inhabitants.

The other point, he said, arose from what had been mentioned, as it always was with the greatest satisfaction and approbation, by every well wisher to the country, as one very material branch of the British constitution, the independency of our Judges. Now, as far as he could understand the provisions of the bill, and that clause making the Council for life, he could not perceive any one provision or article that, in his mind, tended to make them independent, as the Judges in England were. For it was not merely because an English Judge held his office during good behaviour, that he was independent, for the law has wisely provided an allowance of income which enables him to hold his situation with dignity, and adds, in a most material and essential manner to his independence.

His Lordship said, that the gentleman, whom he had heard was to be honoured with the appointment of Governor, was one, of all others, the fittest and most to be wished for by the country. His intelligent mind, his generous and liberal manners, his active spirit, and peculiar abilities for that situation, rendered him, in an eminent degree, the properest person that Ministers could have selected for that appointment; and certain he was, that the choice would redound to their honour and credit. If Canada was to be governed under the present bill, it would be well for this country, and well for Canada, that Colonel Simcoe was the Governor; and he hoped and trusted that Ministers would make it worth his while; and more particularly, as by undertaking this arduous, and perhaps not altogether agreeable task, he was giving up a situation of ease, respectability and affluence at home.

His Lordſhip entered into a good many general obſervations on the tendency of the bill, and always thought that in forming a new ſyſtem of Government for any country, the wiſhes of the people, and happineſs of the ſociety to be governed, was the principle moſt to be attended to, as their ſatisfaction and proſperity were the objects moſt to be deſired. He concluded by obſerving, that though there were ſome clauſes that he wiſhed left out, and others altered, he did not mean to make any of thoſe amendments now, he meant to have done when he came down to the Houſe, truſting he would have a proper opportunity, in common with other noble Lords, of giving due conſideration to every thing contained in the bill.

Lord Porcheſter ſpoke at conſiderable length, and followed the noble Secretary of State through all the clauſes of the bill, upon each of which he commented, reſerving his amendments, in hopes that they would not be puſhed through the Committee that night.

Viſcount *Stormont* combated Lord Grenville's ſtatement of the different proviſions in the bill, and ſupported the argument of Lord Rawdon and Lord Porcheſter: to which he added many obſervations of his own. He truſted that the noble Secretary of State had no wiſh to hurry this bill through the Houſe in any indecent and precipitate manner; he rather ſuppoſed that the intention was merely for form ſake, to go through one or two clauſes to-night and report progreſs.— Having that in view, his Lordſhip ſaid, he would not ſay ſo much as he would have done at an earlier hour of the night, and approved of the conduct of his noble friends, in deferring their objections and amendments till the different clauſes came more particularly to be diſcuſſed. Viſcount Stormont.

Lord *Loughborough* ſtated ſeveral very forcible objections to the bill, which he was deſirous of correcting, without materially altering the clauſes. He ſhewed that they were ſuſceptible of an eaſy alteration to meet his ideas, and wiſhed that their Lordſhips would take a day to go into the diſcuſſion for the purpoſe of the amendments. Lord Loughborough.

Lord Grenville agreeing to go into the Committee to-morrow or Wedneſday,

The Houſe adjourned.

Tueſday, 31ſt May.

Lord *King* roſe, purſuant to the notice he had given yeſterday, and begged leave to call the attention of the Houſe to a ſubject which he conſidered of the greateſt magnitude and importance; not on account of the individual who was moſt intereſted in it, but as it materially concerned their Lordſhips, and every ſubject in this country. He ſaid, that on a former day, he had the honour of preſenting a petition from Mr. Ld. King.

 Haſtings;

Hastings; which, although it lay upon the table, still he could not say had entirely escaped their Lordships' attention; he must again bring the prayer of it under discussion. He then expatiated on the great length of the trial, the hardships that the prisoner must have suffered, and the uncertainty of the period when it would be ended. He was aware, his Lordship said, that objections might be made to the motion he intended to bring forward an account of the probable duration of Mr. Hastings's defence; but in order to do away these, and clear up that point, he would, with the leave of the House, read a letter which he had received from Mr. Hastings on that subject, occasioned, as it stated, by his having given notice of his motion for this day; the principal part of the letter was respecting the time which he would require to make his defence; which, without meaning to enter into any thing like a compromise, he would limit to fourteen days; or, if the House would not agree to that, to seven; being extremely anxious to have the trial finished before this session of Parliament was prorogued. His Lordship added a few more observations, and concluded by moving, "That "an humble address be presented to His Majesty, praying, "that he would be graciously pleased not to prorogue the pre-"sent Parliament until the trial of Warren Hastings, Esq, "was brought to a conclusion."

Lord Grenville. Lord *Grenville* said, he must oppose the noble Lord's motion, for many weighty reasons, some of which he would state to the House as shortly as possible. In the first place, he considered any such address, as that moved by the noble Lord, as an infringement upon the King's prerogative, which the circumstance it referred to by no means warranted; and in the next, if their Lordships were to agree to this address, it could in no degree be attended with the effect which those who framed it intended it should; and as to the proposition of limiting to a certain number of days, weeks, or any particular period, Mr. Hastings's defence, it was too absurd, his Lordship said, to be attended to for a moment; and if it had been a practicable thing, would it not be an insult upon the dignity of the House, and the honour of their Lordships, were they to enter into any such compromise, by whatever name it might be called, as that proposed by the noble Lord for the prisoner. He had said, even if it was practicable, but certainly no man could say it was. How did Mr. Hastings, asked his Lordship, know the questions in evidence that his defence might occasion on the part of the House of Commons, or the delays that their Lordships might think necessary in examining and arguing the nature of such questions?

This surely the prisoner could know nothing of; and their Lordships well knew, that great part of the delay, which

had

had taken place, was occasioned by the various questions that arose in the course of the trial, which required to be discussed in their Lordships' House, and obliged them to interrupt the proceeding for the time. Was it not possible, or rather, was it not very probable, that many questions of that nature would occur in the future proceedings in that business? And would any man, after this, treat that vague idea of finishing it, in a limited number of days, with any thing else but contempt?

So much his Lordship said, he had mentioned only as to the possibility of the proposal stated by the noble Lord; but when he was to speak of the dignity, or, what was still of more consequence, the justice of making such a compromise with a prisoner at their bar, so as to oblige him to confine his defence to a certain number of days, when it was scarcely possible that he could state any thing like a refutation to all that he had been charged with, he was sure their Lordships would shudder at the idea of passing judgement either one way or other upon a person to whom they had not given an opportunity to defend himself, after having been accused in the most solemn and serious manner.

All this, however, respected their Lordships merely; but were the House of Commons to be left entirely out of the consideration, might not they, by their Managers, assert their claim of replying to the defence of Mr. Hastings, and might they not go still farther, and assert their claim to call more evidence in that reply, as well as to comment upon, or refer to any evidence that had formerly been given? Such a claim the Commons certainly had; there were precedents of its having been made, and there was no reason to think in this instance, that if the House of Commons thought it requisite they would not assert it in their reply. Who then could have the confidence to say, that the defence or reply would be finished in a certain number of days, weeks, or months?

Their Lordships knew well, that on some of the charges, the speeches extend to such length, as to occupy their Lordships' attention for days; and this, his Lordship said, he did not mention as ridicule, because that trial was certainly conducted by men of as much ability, information, and constitutional knowledge, as any trial could be; and therefore, had they not thought it absolutely necessary to pursue the line which they followed, they would not have done it.

After a variety of observations upon the subjects of the address, and the numberless inconveniencies that would attend such a mode of procedure, his Lordship contended that agreeing to it would be an infringement on the prerogative of the Crown, in a manner that was improper, if not wrong; and upon a point, that of proroguing Parliament, in which, of

all others, they had the leaſt right to interfere, and particularly when their Lordſhips muſt ſee that it was delegating that prerogative to ſeveral different powers, none of whom had the ſmalleſt right to exerciſe it. It was nothing ſhort of veſting the King's prerogative in Mr. Haſtings, in the managers, in the Houſe of Commons, and in their Lordſhips, thereby making the Parliament completely independent of the Crown, with regard to its own exiſtence, an encroachment upon the Royal prerogative, which it would be no leſs improper than indecent to undertake.

Earl Stanhope. Earl *Stanhope* roſe next, and obſerved, that although he had determined not to enter into the preſent debate, the very extraordinary and wonderful doctrine which his noble friend and relation had juſt laid down, would not permit him to remain ſilent. Their Lordſhips had been told, what he never would hear with patience, or paſs in ſilence; that they, or the other Houſe of Parliament, had not a right to adviſe the King upon the exerciſe of any of his prerogatives; a doctrine that of the moſt miſchievous tendency, and ought no ſooner to be heard than reprobated. The noble Earl ſaid, he would undertake to convince their Lordſhips, if any doubt could remain amongſt them on that point, that what the noble Secretary had ſaid on the impropriety of Parliament giving their beſt advice to the Throne, was a very unconſtitutional way of ſpeaking in that Houſe.

As to the object of the preſent addreſs, to ſhorten the trial of Mr. Haſtings, his Lordſhip ſaid, he believed every body wiſhed it as much as he did; though, perhaps, all of their Lordſhips had not made it their buſineſs to attend that trial ſo conſtantly as he had done, having never been five minutes abſent from it. He had aſked Mr. Haſtings's Counſel ſome days ago, what time the defence would require, and they could not tell him; upon which he certainly had determined to vote againſt any addreſs for the continuance of the ſeſſion, until it was concluded. Now, however, he had changed his mind, when he heard the noble Lord ſtate, from the beſt authority, that it would only require ſeven days, if their Lordſhips thought proper not to grant more; from this, therefore, he was inclined to vote for the addreſs, but at the ſame time thought that it might be amended, ſo as to be more likely to meet with the concurrence of both ſides of the Houſe; the amendment he would propoſe was, "that the Parliament "might not be prorogued, until Mr. Haſtings had finiſhed "his defence."

Lord Mulgrave replied to Lord Stanhope in a ſpeech of conſiderable length, and ſupported the arguments of Lord Grenville.

Lord

Lord *Hawke* said, it was seldom that he troubled their Lordships, and he did not mean to detain the House long on the present question. He certainly agreed with the noble Earl, that the Houses of Parliament had a right to advise, though not to dictate to the Crown, and upon such occasions it had been usual, when an address, like the present, was presented to the Throne, to have for answer, that His Majesty had received their address, and would be graciously pleased to take it into consideration; and this had generally been accompanied with his desire to proceed in the business, of which the address related, with all convenient dispatch. With the leave of the noble Lords who had spoken before him, he would move an amendment, to leave out all the words after "That an humble address," and insert other words; so that the motion thus amended would stand, "That an humble address be presented to His Majesty, humbly to state to His Majesty, that the Commons having closed their evidence upon the trial of Warren Hastings, Esq., and this House being desirous to proceed to the hearing of his defence, this House humbly requests that His Majesty will be pleased to take the same into his Royal consideration." Lord Hawke.

Earl Stanhope and Lord King, approving of the amendment, withdrew their motions, with the leave of the House; and just as the question was about to be put,

The Marquis of *Lansdown* rose; he said, he knew nothing of an intention to move such an address as that now before their Lordships, until he saw by the newspaper that morning the notice that had been given of it. In his mind, the Marquis said, none of the noble Lords, who had yet spoken in the debate, had taken up the business in the proper point of view. As to the extraordinary doctrine that the noble Secretary had introduced into the debate, stating that their Lordships, and the other House of Parliament, had no right to advise His Majesty on the exercise of his prerogative to dissolve or prorogue Parliaments, his Lordship said, an assertion that few would have made in that House, and that he scarcely, at this time of day, expected to have heard from a Minister in his place. But as that part of his speech had been very properly and fully answered by the noble Earl, he would not say a single word more upon it, farther, than that if it were admitted, and Ministers allowed to come down to the House with such arguments, it was needless for their Lordships to meet or deliberate upon any subject of importance to the country; as most matters of importance might be some how connected with the Royal prerogative; and whether it was to point out the ruinous consequences of a Russian war, the necessity for establishing a peace, or any other business of equal consequence to the country, where the ad- Marquis of Lansdown.

vice of Parliament might be useful and proper, the Ministers would tell them, you have no right to interfere with the King's prerogative: in our opinion, our own conduct has not occasioned circumstances that warrant your advice. And thus, instead of calling together Parliament upon any great emergency, the present Ministers meant to introduce a new method, and send them about their business, as an useless and troublesome body, when they had much work upon their hands which they, no doubt, could carry on much better without any Parliament. This, he took to be the precise state of the noble Lord's doctrine.

As to the impeachment, he was sorry that noble Lords, both to-night, and on the question of abatement, seemed to have a great deal too much feeling and consideration for Mr. Hastings; and regretted much, that any possibility of bringing the trial to a speedy conclusion would deprive him of making so proper and ample a defence, as they wished him to have an opportunity of doing. Now, with all due submission to their superior judgement and humanity, the noble Marquis said, he thought he might, without any great danger to Mr. Hastings, or the cause of justice, suggest, that if he was content to finish his defence in a given time, he and his Counsel might be allowed to know whether such a proceeding was likely to be of service to his cause, or not. At any rate, he could not avoid saying, that by making such a proposal, Mr. Hastings seemed to have a consciousness and reliance upon his own innocence, which induced him even to trust his defence, such as it might be in the short time he was to make it, not only to their Lordships, but open to the reply of the Managers; especially if, as the present motion stated, the defence only was to be made this session, and that and the accusation to be in their possession all the intermediate space, which he owned was certainly, however unfavourable or otherwise to Mr. Hastings, a much fairer way of making up their minds, and preparing for the solemn task of judgement, than from any notes that they might have taken at different times in the course of the trial.

The Marquis said, there was one point with regard to the whole of this long-continued persecution, [here Lord Hardwicke called the noble Lord to order, and asked. whether it was decent to apply such an expression to the trial and proceedings of both Houses of Parliament?] His Lordship replied, he would call it prosecution then, if the noble Lord preferred the word; but what he meant to say was concerning a point, wherein the conduct of those of the present Administration, who had taken part in supporting this impeachment, appeared to him to be inconsistent; it was notorious, he said, that the very same measures and system of Government,

ment, for which Mr. Haſtings had undergone this long protracted trial, were now purſuing in India, approved by the Government there, and ſanctioned by the Board of Controul at home.

As to the Commons, he thought if their Lordſhips were as clear of the propriety to conclude the buſineſs as ſpeedily as poſſible, they would certainly agree to this addreſs. The Commons had exhibited twenty articles againſt Mr. Haſtings, and were now content to ſum up and finiſh their proſecution, when only four had been gone through. As to their claim of reply, and bringing evidence after the defence was concluded, though he did not mean to ſay that there would be no ſuch claim, he thought the leſs it was inſiſted upon the better, and that it was a claim not to be aſſerted before any other Court in the kingdom in any criminal caſe, except in the caſe of impeachment. And it was to be concluded that if it ever had been a claim founded either on juſtice or reaſon, it would have been introduced into the Courts below; for, in his mind, there was little difference to the ſubject, whether he was to be tried in that Houſe, or any where elſe.

Having treated the conduct of Miniſtry with a good deal of aſperity, the Marquis ſaid, it muſt appear obvious to every perſon acquainted with the preſent ſituation of this and other countries, that the impeachment had nothing to do with the prorogation of Parliament; there were other reaſons for adjourning; they knew the anxiety and alarm that prevailed all over the country; they knew that we had a fleet ready to ſail at the ſhorteſt notice, and that the country was likely either to be ſuddenly embroiled in a ruinous and burthenſome war, or additionally loaded with the expence of fruitleſs armaments, to back the mockery of their bullying threats and demands; all which, they likewiſe knew, muſt induce the people, and theſe whoſe duty it is to watch over their intereſts, to make ſome inquiries, that would not be either pleaſant or profitable to their ridiculous, wild, and miſtaken politics.—Knowing this, they had wiſely determined to prorogue Parliament, and by thoſe means get rid of all inquiry, the reſult of which might force them to ſay or do any thing that was likely to give ſatisfaction to the people or to Parliament.

Lord *Grenville* with much warmth replied to the Marquis, and entered into a ſpirited defence of thoſe who had ſupported the impeachment in the Houſe of Commons, where he had the honour to be at that time; and if there were any amongſt their Lordſhips who felt that the cenſure came home to them, he ſaid, he would be ſorry for it; however, he did not believe there was one in the Houſe who could accuſe himſelf of having done any thing in that buſineſs, that was inconſiſtent either with his honour or duty. The illiberal and unhandſome Lord Grenville.

inſinu-

nsinuations of the noble Lord would have but little effect, being equally groundless and misapplied. His Lordship denied that he had in his former speech asserted, that Parliament had no right to give advice to the Crown. What he said was, that some sort of delicacy should be observed in meddling with the King's prerogative, except when circumstances warranted their interference, and that he saw no necessity for it on this occasion.

The question was then put, and the motion for the address negatived without a division.

The order of the day was then read, for the second reading of the Catholic Bill*, when,

Lord

* The following is a copy of the Memorial presented by the Roman Catholics:

To the Right Honourable William Pitt, First Lord of the Treasury, and Chancellor of His Majesty's Court of Exchequer, &c. &c.

The Memorial of His Majesty's English Subjects, professing the Catholic Religion,

Sheweth,

THAT by the laws now in force against persons professing the Catholic religion, your Memorialists are deprived of many of the rights of English subjects, and the common rights of mankind.

They are prohibited, under the most severe penalties, exercising any act of religion according to their own mode of worship.

They are subject to heavy punishments for keeping schools for educating their children in their own religious principles at home, and they are also subject to heavy punishments, for sending their children for education abroad.

They are made incapable of serving in His Majesty's armies and navies.

They are restrained from practising the law as Barristers, Advocates, Solicitors, Attornies, or Proctors.

They are obliged, on every occasion, to disclose the most secret transactions of their families, by reason of the expensive and perplexing obligation of inrolling their deeds.

They are subjected, by annual acts of the Legislature, to the ignominious fine of the double land tax.

They are deprived of that constitutional right of English freeholders, voting for county members. They are not allowed to vote at the election of any other members. They are therefore absolutely unrepresented in Parliament.

They are excluded from all places, civil and military.

They are disqualified from a seat in the House of Commons.

Their Peers are deprived of their hereditary seat in Parliament;

And their Clergy, for exercising their functions, are exposed to the heaviest penalties and punishments, and in some cases to death.

That the laws which subject them to these disabilities, penalties, and punishments, were passed against them in times of intolerance, for

crimes

Lord *Rawdon* rose, and prefaced a short speech with regretting much the absence of the Chancellor. His Lordship explained the principle of the bill, the hardships and oppression under which that class of His Majesty's subjects laboured, whom Lord Rawdon.

crimes of which they are not guilty, and for principles which they do not profess.

That if any motives of policy ever existed, which, in any point of view, or by the opinions of any set of men, could justify the general necessity or expediency of those laws, they have long since entirely ceased to continue them; therefore must be unjust, as it withholds from so many subjects the first rights and comforts of society; unwise, as it produces disunion among the people; and impolitic, as it deprives the State of the labours and services of so many of its loyal subjects.

That by the gracious and salutary act passed in the 20th year of his present Majesty, that one particular law which most prevented their safety, and quietly enjoying their landed property, was formally repealed; and an oath prescribed to them, by which, in the most solemn, most explicit, and most unequivocal terms, they disclaim the belief, that there exists in any foreign Prince, Prelate, State, or Potentate, either directly or indirectly, any civil jurisdiction or power, superiority or pre-eminence whatsoever, within this realm; and by which, in terms equally explicit and unequivocal, they avow their absolute and unreserved allegiance and fidelity to His Majesty's person and government, the succession of the crown in his family, and the British constitution.

That the English Catholics have universally taken this oath.

That their general conduct has been blameless and inoffensive.

That they hold no principles which can be construed to extend to the subversion, disturbance, or disquiet of the civil or ecclesiastical government of this country.

That they live in the completest harmony with their fellow-subjects, only separated from them by a difference of opinion in matters of religion, and only prevented from falling into the general mass of the community, by the distinctions produced and kept alive by the laws still remaining in force against them.

That the British Government, and the Nation at large, have long been sensible of this; and therefore (with an humanity for which the English Catholics are truly grateful) have not permitted the laws against them to be extended in their utmost extent. Hence, for a considerable time, none of these laws which affect their lives, have been carried into execution; and there have not been many instances where those laws which affect their fortunes or their liberties, have been enforced. Prosecutions against them have received no aid from the Legislature, no countenance from the Courts of Justice, no encouragement from the Magistracy, and no favour from the people. Informers against them have been universally despised. The most virtuous and enlightened men of the age have been their advocates. The nation is their friend, the letter of the law their only enemy. To that it is owing that they still languish under disabilities which cramp their industry, prevent their

whom he described to be as loyal and faithful subjects as any His Majesty had, and for whose relief this bill was intended. It was the object of the bill, at the same time that it gave redress to the petitioners, to provide for the security of the established religion of the country. As far as it went, he said, it had his approbation; and though it might not be perfect, yet when in a Committee, it might receive such amendments as would make a very safe and salutary law. Had he been one of those who framed it; he owned he should have wished that it had been more comprehensive, and had contained clauses to include all other Catholics, as well as that body of them who were petitioners. His farther opinions, his Lordship said, he should reserve till he heard other Lords deliver their minds upon the bill.

Archbish. of Canterbury. The Archbishop of *Canterbury* said he agreed perfectly in the principle of the bill, and wished as much as any man that the penal statutes were repealed. Nobody was farther from wishing that Roman Catholics should suffer forfeiture, imprisonment, or death, than he did; he therefore could not be supposed an enemy to the bill. But, he did not think it had such clauses as were sufficient for the security of the established church, which he believed it was the intention of the Catholics themselves that it should have. He had likewise, he said, objections to the oath, and to the clause allowing Catholics to teach schools, which he thought was rather loosely worded; if, however, it went into a Committee, there were other amendments that it might undergo before it could be called a perfect bill. He regretted, as well as the noble Lord, the absence of the noble and learned Lord, whose opinions would have had so much weight with the House, and could not say, whether by postponing the commitment for a short time, there was a probability of his attendance or not. He therefore left it to the House, to proceed as they thought fit, and would, when in a Committee, offer his observations on the different clauses.

their providing for their families, drive them from their own country for education, obtrude them on foreigners for their subsistence, and make them, as it were, aliens among their fellow subjects.

That the doctrine of general toleration universally prevails; and that no plea can be urged for tolerating, in foreign countries, the dissidents from the mode of worship established there, which may not with as great propriety be urged for tolerating in England those of the Catholic persuasion.

Upon these grounds, your Memorialists hope for your concurrence and support on their intended application for redress of their grievances.

The

The Bishop of St. *David's*, followed the right reverend Metropolitan, and addressed the House in a speech nearly to the following purport: Bishop of St. David's.

My Lords, with great charity for the Roman Catholics; with a perfect abhorrence of the penal laws, I have my doubts, whether the bill for their relief, that has been sent up to us from the lower House, comes in a shape fit to be sent to a Committee. My Lords, it is not my intention to make any express motion, to obstruct the commitment of it, if I should perceive that measure to be the sense and inclination of the House. But I have my doubts, which I think it my duty to submit to your Lordships' consideration.

Fixed, as I am, in the persuasion, that religion is the only solid foundation of civil society, and by consequence that an establishment of religion is an essential branch of every well constructed polity, I am equally fixed in another principle, that it is a duty, which the great law of christian charity imposes on the christian magistrate, to tolerate christians of every denomination, separated from the established church by conscientious scruples: with the exception of such sects only, if any such there be, which hold principles so subversive of civil Government in general, or so hostile to the particular constitution under which they live, as to render the extermination of such sects an object of just policy. My Lords, I have no scruple to say, that the opinions, which separate the Roman Catholics of the present day from the communion of the church of England, are not of that dangerous complection. Times, my Lords, it is too well known, have been, when the towering ambition of the Roman clergy, and the tame superstition of the people rendered the hierarchy the rival of the civil Government, the triple mitre the terror of the Crown, in every state in Christendom. The reformation in this country, as it took its rise, not in any controversies upon speculative doctrines, but in a high-spirited monarch's manly renunciation of the Pope's usurped authority, in the claim of the original absolute exemption of the church, no less than of the state of this kingdom, from all subordination to the see of Rome, excited a spirit of intrigue among the adherents of the Papacy against the internal Government, which rendered every Roman Catholic, in proportion as he was conscientiously attached to the interests of his church, a disaffected, or, at the best, a suspected subject. The revolution widened the breach, by the natural attachment of the sect to the abdicated family, which had ever favoured it. Happily for this country, and for the peace of mankind, those times are past. My Lords, it is now universally understood, that the extravagant claims of the church to a paramount authority

over the state, in secular matters, stand confuted by the very first principle of the original charter of her institution, by the early edict of her divine and holy founder, that "his "kingdom is not of this world." The ambition of the Roman Pontiff, by the reduction of his power and his fortunes, is become contemptible and ridiculous in the eyes of his own party. And the extinction of the Stuart family leaves the Roman Catholics of this country no choice, but the alternative of continuing in the condition of aliens in their native land, or of bringing themselves under the protection of her laws, by peaceable submission and loyal attachment to the existing Government. My Lords, in these circumstances, in this state of opinions, in this reduced condition of the Pope's importance in the political world, in the actual state of the interests of the Roman Catholics of this country, I persuade myself, that the long-wished-for season for the abolition of the penal laws is come. Emancipated from the prejudices which once carried them away, the Roman Catholics are led by the genuine principles of their religion to inoffensive conduct, to dutiful submission and cordial loyalty. My Lords, the Roman Catholics better understand, than the thing seems to be understood by many of those who call themselves our Protestant brethren, in what plain characters the injunction of the unreserved submission of the individual to the Government under which he is born, is written in the divine law of the gospel.

My Lords, with all this charity for Roman Catholics, with these sentiments of the inexpediency of the penal laws, I must still disapprove of the bill which is now offered for a second reading. Your Lordships must perceive, that, consistently with the sentiments which I avow, I cannot quarrel with the bill for the relief it gives. No, my Lords. The noble Lord who moved the second reading, has himself opened the grounds of my objections. My Lords, I object to the bill that it is insufficient to its own purpose. My Lords, I quarrel with the bill for the partiality of its operation.

With the indulgence of your Lordships, I will endeavour to explain, from what circumstances in the fabric of the bill this defect arises. I will set forth the importance of the objection, and then I will trouble your Lordships with the reasons of my apprehension, that this objection is not likely to be done away by any amendments we can give the bill in the Committee.

My Lords, this bill is to relieve Roman Catholics from the penal laws under the condition that they take an oath of allegiance, abjuration and declaration; the terms of which oath the bill prescribes. The bill, therefore, will relieve such

Roman

Roman Catholics as take this oath, and none else. Now, my Lords, it is, I believe, a well known fact, that a very great number, I believe I should be correct if I were to say a very great majority, of the Roman Catholics scruple the terms in which this oath is unfortunately drawn, and declare they cannot bring themselves to take it. With the permission of the House, I will enter a little into the detail of their objections; not that I mean to go at present into a discussion upon all the imperfections of the oath. I concur in every one of the objections made by the most reverend Metropolitan; but I shall not touch upon these objections, because they have been ably stated, and because they are not to the purpose of my argument. It is my point to state the objections of scrupulous Roman Catholics.

My Lords, the majority of the Roman Catholics, who scruple this oath, are not Papists in the opprobrious sense of the word; they are not the Pope's courtiers, more than the gentlemen of the Roman Catholic Committee, who are ready to accept the oath. My Lords, the more scrupulous Roman Catholics, who object to the terms of this oath, are ready to swear allegiance to the King; they are ready to abjure the Pretender, to renounce the Pope's authority in civil and temporal matters; they are ready to renounce the doctrine that faith is not to be kept with Heretics, and that persons may be murthered under the pretence that they are Heretics, as impious and unchristian. They are ready to renounce, as impious and unchristian, the doctrine that Princes, excommunicated by the see of Rome, may be murthered by their subjects: they are ready to renounce the doctrine, that Princes, excommunicated by the see of Rome, may be deposed by their subjects. But to this deposing doctrine they scruple to apply the epithets of impious, unchristian and damnable: my Lords, they think that this doctrine is rather to be called false than impious, traiterous than unchristian. They say, that the language of an oath should not be adorned, figured, and amplified, but plain, simple, and precise. But in truth, my Lords, this scruple is founded on a tender regard for the memory of their progenitors. Some two centuries since, this error, however absurd and malignant, was, like other absurd and malignant errors, universal; yet, my Lords, there lived in those times many men of distinguished piety and virtue, who acquiesced in this error as a speculative doctrine, though they never acted upon it. My Lords, the more scrupulous of the Roman Catholics think it hard that men of probity and virtue, entertaining a speculative error, sanctioned by its universality, upon which they never acted, should for that error in mere speculation be stigmatized as devoid of piety, as

no christians, and as persons that died under a ſenſe of eternal damnation: and certainly, my Lords, the reprobation of this doctrine, under the qualifications of impious, unchriſtian, and damnable, goes to this effect. My Lords, I beſeech you to give a candid attention to this ſcruple, as I am confident your Lordſhips will to every ſcruple. My Lords, I enter into this detail from a deſire of impreſſing on your Lordſhips' minds, what is very ſtrongly impreſſed on mine, that the objections of theſe men are not cavils, but fair, honeſt, conſcientious ſcruples. My Lords, this ſcruple is analogous to that which every liberal, enlightened man would feel, if he were called upon to decide, upon that which has ſometimes been decided upon with little ceremony, upon the final doom of virtuous Heathens: of men, who with a ſenſe of moral obligation, and with ſentiments of piety towards the Creator of the Univerſe, which might have done no diſcredit to the profeſſors of chriſtianity, nevertheleſs, from the force of example and education, acquieſced in the popular idolatry of their times. My Lords, I believe, your Lordſhips all believe, that there is no name under Heaven by which men may be ſaved, but the name of Jeſus Chriſt: nevertheleſs, my Lords, I ſhould be very unwilling to aſſert, my Lords, I would refuſe to ſwear, that it is matter of my belief that ſuch men as Socrates, Plato, Tully, Seneca, and Marcus Antoninus, who were every one of them Idolaters, are now ſuffering in the place of torment, and are doomed to ſuffer there to all eternity. My Lords, upon this point I concur in the ſentiments of a great ornament of the Roman church, who might have been an ornament to the pureſt church in the moſt enlightened times. "*Ubi nunc anima Marci Tullii agat, fortaſſe non eſt humani judicii pronuntiare; me certè non admodum averſum habituri ſint in ferendis calculis, qui ſperant illum apud Superos ſummâ pace frui.*" My Lords, will not your Lordſhips permit the Roman Catholics to have the ſame tenderneſs for the memory of Bellarmen and Eraſmus, which your Lordſhips would feel for that of virtuous Heathens?

My Lords, the terms in which the Pope's authority is renounced, are matter of ſcruple to that diviſion of the Roman Catholics, which I conſider as the majority. My Lords, they are ready to renounce the civil authority of the Pope; but they think that the words uſed in the oath go to the denial of the Pope's ſpiritual authority, which they cannot conſcientiouſly abjure. The terms of the oath, my Lords, are theſe. "I do alſo in my conſcience declare and ſolemnly ſwear, that no foreign church, Prelate, or Prieſt, or Aſſembly of Prieſts, or eccleſiaſtical power whatſoever, hath, or ought to have, any juriſdiction or authority what-

"ſoever

"soever within this realm, that can directly or indirectly affect or interfere with the independence, sovereignty, laws, constitution, or Government, thereof, or the rights, liberties, persons, or properties of the people of the said realm, or any of them." The power therefore abjured is all ecclesiastical power, which can, directly or indirectly, interfere with the sovereignty, constitution, or Government; with public or with private rights. My Lords, these scrupulous Catholics think that this description comprehends the Pope's spiritual authority; for they say that they must admit that the Pope's spiritual authority does indirectly, by inference and implication, interfere with civil Government and with civil rights. My Lords, is it not manifest that the Pope's supremacy, indirectly and in speculation, interferes with the sovereignty, with the King's supremacy as Head of the Church? My Lords, with the constitution the Pope's supremacy indirectly interferes, in a part which I believe your Lordships hold in some regard. My Lords, it is a consequence from the doctrine of the Pope's supremacy, that no consecrations and ordinations are valid but what emanate from the authority of the see of Rome. If this be the case, my Lords, the Bishops of the church of England are no Bishops. If we are no Bishops, we have no right to sit in this assembly with your Lordships; I have no right to be now holding this argument before your Lordships. My Lords, is not this an interference, indirectly I grant, but indirectly is it not an interference with the constitution. My Lords, if we are no Bishops, it is a further consequence that no man is made a Priest by virtue of our ordinations. No Priest of ours, therefore, has any just right to any temporalities that he may hold of such a nature as to attach exclusively to the Priestly character. My Lords, is not this an interference with the rights of subjects? My Lords, these are striking instances that occur at the moment: many other instances might be found in which the Pope's spiritual supremacy unquestionably interferes indirectly with civil authority and civil rights; and the most that can be expected of conscientious Roman Catholics is, not that they should renounce all authority carrying this interference; for that were to renounce the Pope as their spiritual head; but that they should bind themselves to Government, that they will never, act upon these principles, which in theory they cannot renounce. That whatever they may think (as a matter of opinion) about the Pope's supremacy, they will never, in fact, upon the pretence of his supremacy, make an attack, or commit any act of hostility against the constitution and the Government in either branch, but, on the contrary, will defend it: and these engagements,

gagements, my Lords, those Roman Catholics who scruple this oath, are ready and desirous to give in the most explicit and unequivocal terms. They say, that they may think themselves bound by an oath which they have already taken, and that they are ready to strengthen the obligation by a new oath, to defend, to the utmost of their power, the civil and ecclesiastical establishment of the country, even though all the Catholic powers of Europe, with the Pope himself at their head, were to levy war against the King for the express purpose of establishing the Roman Catholic religion. My Lords, there are other points in this oath which Roman Catholics, I think, must scruple. I believe the gentlemen of the Catholic Committee, who declare themselves ready to take this oath, will see some difficulty in particular parts of it, when they consider the full import of certain terms. But my Lords, I shall go no further at present in this detail. I will only say in general, that there are parts of the oath which I myself would refuse to take.

My Lords, I must observe, that the gentlemen of the Catholic Committee, and the party that acts with them, who scruple no part of this oath, declare that they equally with the scrupulous party, maintain the Pope's spiritual supremacy. They are shocked that the denial of it should be imputed to them. Your Lordships therefore perceive, that the two parties are perfectly equal, in the degree of affection or disaffection, take it which way you will, that they bear to the Government of the country; therefore I cannot see upon what principle a relief, which is granted to the one, should be denied to the other.

It may be said, this relief is a matter not of right, but of mere grace and favour; and that the person who confers a favour, may at his own will and pleasure prescribe the conditions on which he will bestow it. But, my Lords, the favours of a Government are surely to be dispensed by some rule of distribution; and that rule ought to be an equal one. My Lords, it ought not to be a rule of arbitrary election and reprobation, making a distinction of persons where there is no difference of character in the degree of civil merit.

My Lords, I have heard it said, not in this House, but out of doors, it is a maxim in common circulation, that the legislature has nothing to do with the disputes of these people among themselves: that it may be rather an object of good policy to promote and increase their divisions, as it may be a means of weakening the strength of the party.

My Lords, the maxim, "*Divide & Impera*," if it be ever wise, is wise only in despotic Governments. My Lords, if

if it be wise in such Governments, it is because such Governments are radically unjust, the relation of the governor and the governed to each other being that of enemies. But in Governments, such as this under which we have the happiness to live, it is a wicked maxim. In our constitution the promoting of the happiness of the governed is not only the duty, but it is the actual object of Government, and the aim of all its operations, and of all its measures. In such a Government, union and harmony among citizens of all descriptions is to be desired; and it should be the endeavour of the Government to promote it, as the means of binding the love and affections of all to the constitution.

But, my Lords, admitting for a moment that we have nothing to do with the disputes of these people among themselves, yet your Lordships surely have to do with the justice and equity of your own proceedings. Now consider, my Lords, upon what principle were the penal laws against the Roman Catholics first introduced. Certainly upon this principle, that the Roman Catholics in general were disaffected subjects. Upon what principle would the legislature now relieve any Roman Catholics from those laws? Certainly, my Lords, upon this principle, that the legislature acquits those to whom it extends the relief, of the crime and suspicion of disaffection. Upon what principle is the relief, which is extended to some, withheld from others? Certainly upon no just principle but this; that those others still lie, in the eye of the legislature, under a suspicion of disaffection. Thus, my Lords, by passing a law which will give only a partial relief, you will impress a stigma of disaffection upon the party not relieved; which, in my judgement, if there be no ground for suspecting them, would be the height of cruelty and injustice.

But, my Lords, give me leave to say, that though your Lordships would indeed have nothing to do with any disputes among the Roman Catholics, upon controverted points of their own divinity, the matter and the state of the present dispute are such, that your Lordships have much to do with it, in forming a judgement upon the present bill. The matter in dispute is the propriety of the oath as it stands in this bill, which oath the one party is ready to accept, the other reprobates. The dispute began in terms of mutual respect, and great moderation. But as the dispute went on, both sides, as is the case in all disputes, grew warmer. Both sides have now lost all temper. And the quarrel, a religious quarrel, my Lords, is raging. The scrupulous Catholics speak of the writings on the other side, as schismatical, scandalous, and inflammatory. The Catholic

Committee

Committee charge the former with inculcating principles hostile to society and Government, and to the constitution and laws of the British empire. My Lords, these reproaches are, I think, unmerited on either side. But they are, for that reason, the stronger symptoms of intemperate heat on both sides. My Lords, this bill, should it pass into a law, will not mitigate the quarrel, but inflame it. And as it re-enacts the penal laws against all those who, from their scruples about the oath, cannot bring themselves within the benefit of it, the Roman Catholics that will be relieved by this bill will be impowered to inforce those laws against their more scrupulous brethren, with whom they are quarrelling. My Lords, the history of the church too clearly proves, that men whose minds are inflamed with religious controversy are not to be trusted with such weapons. My Lords, when I look at the names of the gentlemen who compose the Catholic Committee, men of high birth, of distinguished probity and honour, I cannot for a moment suppose, that any of them would pursue the quarrel with their adversaries in that base manner. But, my Lords, the leaders of a party cannot always command the passions of their followers; and your Lordships will have no security, that this may not be done, but the liberality and honour of the individuals: and is it wise or just, my Lords, to put any innocent man in the power of his enemy, relying only on the good disposition of that enemy to restrain him from the abuse of that power which you put into his hands? My Lords, if the party relieved by this bill should take the advantage which the law will give them against the other party, a horrible persecution will arise. My Lords, I shudder at the scene of terror and confusion, which my imagination sets before me, when under the operation of this partial law, should it unfortunately receive your Lordships' sanction; miscreants of base informers may be enriched with the fortunes, our jails may be crowded with the persons, and our streets may stream with the blood of conscientious men, and of good subjects! And of all this cruelty, my Lords, if it should take place, the laws of the country will get the credit.

My Lords, I am aware that it may seem to your Lordships, that there is an easy answer to all this. Send the bill to a Committee, and amend the oath. My Lords, there is the difficulty; I fear that we are not competent to make such amendments in the oath as may obviate the mischief. My Lords, look at the state of the controversy among the Roman Catholics. Three of the four Roman Catholic Bishops, who call themselves the Apostolical Vicars for the

the four districts of this country, three out of these four have promulgated an encyclical letter; in which they reprobate the oath as it stands in the present bill: and they go further: they advance this principle; that a conscientious Catholic ought not to take any oath declaratory of any opinion upon doctrinal points, till it has received the approbation of the ecclesiastical superiors. The gentlemen of the Catholic Committee exclaim against this, as an extravagant stretch of authority. I confess, my Lords, I see no extravagance in it. I believe, were I a Roman Catholic, I should think it my duty to submit to it. But the Catholic Committee are indignant, under this usurpation of authority, as they think it, of the Apostolical Vicars; and a paper has appeared signed by the gentlemen of the Committee, which I know not very well what to call. My Lords, it looks something like an appeal to the Pope: and yet I can hardly suppose, that an appeal to him has been actually made; or that this is a copy of a paper sent as a formal appeal to Rome. But the Committee say, "we "appeal to all the Catholic churches in the universe; and "especially to the first of all Catholic churches, the Apos"tolical see rightly informed." My Lords, if this is an appeal to the see of Rome, or if it be a notice of an intended appeal; and, my Lords, it must be something, it should seem that the legislature cannot stir a step further: for it would be perfectly nugatory to pass a law to give relief upon the condition of an oath; when the persons, to whom the relief is offered, are divided into two parties; one of which say, "we cannot take this oath;" the others say, "we must go to Rome, and ask the Pope, whe"ther, under the circumstance of the interdict of the ec"clesiastical superiors, we may take the oath, or no." And, my Lords, suppose you amend the oath; what assurance can your Lordships have that the Apostolical Vicars will approve the oath, as amended by your Lordships? If they should not approve it, the more scrupulous Catholics will not take it. My Lords, the remedy for this seems to me to be *unique*. The remedy would be, to find an oath, which may be sufficient for the security of Government, and which the majority of the Roman Catholics have already taken; and the Apostolical Vicars, having themselves taken it, must approve. Such, my Lords, is the oath which was required of the Roman Catholics by the law of 1778. And I am very sorry that that oath was not adopted in this bill. But from what I have heard, I have much doubt, if we go into a Committee, we shall be unanimous upon a motion for substituting that oath, instead of the oath that

now ſtands in the bill; and for this reaſon, my Lords, I fear the bill is incurable.*

My Lords, I have detained you much longer than I thought to have done. It only remains that I thank your Lordſhips for the patient attention with which I have been honoured; and that I make it my requeſt, that any expreſſions that may have eſcaped me, in the courſe of a ſpeech, in point of language in many parts quite unpremeditated, may be candidly interpreted. My Lords, what moſt of all I deprecate, is, that I may not be ſuſpected of inſincerity in my profeſſions of an abhorrence of the penal laws: that my objecting to the commitment of this bill may not be deemed a ſtratagem of mine, to get rid of the buſineſs altogether, and diſappoint the petitioners at your Lordſhips' bar in their juſt expectations of relief. My Lords, I call the great ſearcher of hearts to witneſs, that there is no ſuch duplicity, no ſuch malice in my intention. My Lords, if your Lordſhips ſhould be moved, by what has been ſaid by me, or what may be ſaid with more ability, by others to the ſame effect, to reject this bill, rather than that the Roman Catholics ſhould be finally unrelieved, I would pledge myſelf to your Lordſhips, to the Roman Catholics, and to my country, to bring in a bill, early in the next ſeſſion, which ſhould not be pregnant with the miſchiefs, which ſeem to me the certain conſequence of this bill. But I ſhould hope that your Lordſhips would not leave a matter of ſuch moment to the diſcretion and abilities of any individual Lord, but that your Lordſhips will think proper to name a Committee to reviſe all the ſubſiſting laws againſt the Roman Catholics, and to frame a bill for the repeal of ſuch as may with ſafety be repealed. The only objection that I can ſee to ſuch a meaſure is the delay, for it is much too late in the ſeſſion to begin ſuch a buſineſs. But, my Lords, in a matter of this magnitude and importance, the legiſlature ſhould think little of the delay of a few months; nor ought the Roman Catholics themſelves to murmur at a delay, which may conduce to put the relief they ſolicit upon a broad and permanent baſis.

Lord Abingdon

Lord *Abingdon* ſaid, the ſubject matter of the preſent bill was ſo immediately within the province of one deſcription of Lords only in that Houſe, it ſo peculiarly belonged to their

* In this apprehenſion the Biſhop had the pleaſure to find himſelf miſtaken. In the Committee of the whole Houſe upon the bill (June 4th) the oath as it ſtood was, upon the Biſhop's own motion, expunged; and the oath taken by the Roman Catholics in Ireland, in the year 1774, with ſome very ſlight alterations ſubſtituted. The Iriſh oath is in effect the ſame with the oath of 1778, and, of the two, is drawn with the greater accuracy.

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consideration, and was so fitly and rightly placed in their hands, that what he had to say was merely to express his hopes, and which were truly founded on his expectations, that the bill would come out of the hands of those noble Lords as full of toleration, as might be consistent with the safety of the established church of this country, and insomuch with the safety of the State, and more and other than this (being himself no levelling Lord) he neither hoped for nor expected, though perhaps other noble Lords, one at least, might be of a different opinion.

There was, however, his Lordship said, one remark he would make, and which was this, that being bred up in the old school, and not belonging to the new one, nor having as yet imbibed, nor never should, the tenets or doctrines, political or religious, which these *novi homines* in this enlightened age had so speculatively introduced for the practical subversion of society, it would seem to him, that the idea of a Protesting Catholic Dissenter, for so they call themselves, and in fact are so, although not so named in the present bill, was an idea so existing in idea only, so novel in its institution, so fundamentally repugnant to the avowed and established faith and practice of that Church, and in short, such a solecism in terms, that how such a stumbling block *in limine* was to be got rid of, he knew not; and got rid of it must be, before any one single step could be taken in advance of the object of the bill; for to say that a Catholic (and here he must observe too, that these Dissenters were no longer to be called *Roman* Catholic, but that the word "Roman," in order, he supposed, to shorten the phrase, or perhaps more intentionally to make room for the doctrine, was, as it were, by the figure of ellipsis to be cut off) was to continue in the belief of the infallibility of the Pope in spiritual matters, as they profess to do, and were not to continue in the belief of the infallibility of the Pope in temporal matters, as they profess now not to do, was to say—what? It was to say, his Lordship said, certainly that which was never professed before; but it was to say more, it was to reason rationally, if he might so speak, upon an irrational topic; for to tell him, that a man could open his mind to the belief of infallibility in the one instance, and shut his mind to the belief of infallibility in the other, was to say that which his faith at best could not lead him to believe; but if it was so, then, said he, *addio il papa*; for where half is gone, the rest will follow; and therefore, his advice was, that if these protesting Catholic Dissenters have thought fit so far to quit their papa, they might as well, in imitation of a noble Duke of that House, and of other illustrious examples, take at once to our mama; or, in other words, if they have been induced so far to overleap the pale of their father church, they might as well jump within the pale of our mother church, where, like the sinner that repenteth, there will be more joy in them, than over ninety and nine just persons that need no repentance; where equal taxes, equal laws,

equal loaves and fishes, will be all equally theirs, and where too, perhaps, they may find themselves not one jot farther from Heaven than they were before. Upon the whole then, said his Lordship, my communion upon this bill shall be with the noble Lords and the right reverend Prelates upon the bench, and he should certainly vote for it (for *tua res agitur)* in whatever shape it should come out of their hands.

Earl Stanhope. Earl *Stanhope* spoke in favour of the bill. His Lordship said, that when the petitioners were asking to be freed from the injustice and oppression of those sanguinary penal laws that were a disgrace to our statute books, they were not merely asking a boon, but claiming what they were entitled to by the rights of men, and the rights of citizens. The noble Earl spoke highly of the Roman Catholics in this kingdom, and observed, that the right which every man possessed of worshiping God in his own way, and agreeable to the dictates of his own conscience, an unalienable right, in the true sense of the word, we could not alienate from him, he could not alienate it from himself. He hoped no man would say, that a wretch at the gallows, with the halter about his neck, had not a right to call upon his Maker in any way that his conscience told him was right; as well might we pretend to regulate the internal government of Japan or China, as to regulate the internal government of men's consciences; the one was not more remote from our power of control than the other. He thought the present bill should go into a Committee, and there receive such amendments as might be considered as necessary; and he concluded with thanking the noble and learned Prelates, who seemed to give the principle of the bill that support which their wisdom and good sense told them it merited.

Duke of Leeds. The Duke of *Leeds* said, he had taken much pains to inform himself on the subject of this bill, and was a hearty friend to it, convinced, from his personal acquaintance with those who were the objects of it, that they merited all the redress which was meant to be given to them. His Grace thought, however, that it should be very fully discussed; and was rather inclined to think, that it would be more for the interest of the Catholics in general, that this bill was postponed till next session, when there would be time to frame such a bill as would meet with no objection from any part of the House; but he would make no motion, unless he thought the sense of the House was with him.

The Bishop of Peterborough made a short speech in favour of the principle, but against the clauses, of the bill.

Lord Fauconberg said a few words for the bill, and wished it to go into a Committee.

Lord

Lord *Loughborough* spoke to a confiderable length on the bill. His Lordfhip allowed that there was much weight in the different objections ftated by the noble and learned Lords who had fpoken in the debate, but ftill thought that the bill in a Committee might be fo amended, as to be perfect, and give general fatisfaction. He warned their Lordfhips againft delaying it till another feffion; and argued from the example of 1780, when he infifted that all the differences of opinion, and confequently riot and confufion, that broke out in a neighbouring kingdom then, and came into this, was occafioned by delaying a former bill of this nature from one feffion to another. If they were only to go through a few claufes of it before the adjournment, the bill would be left in a much fafer and better ftate, and no apprehenfions would arife concerning it. Befides, all the declarations which had been made that night, fo much to the honour of thofe who made them, would be entirely loft in effect, if, after communicating them to the Public, was added, but the bill was rejected. This bill, he obferved, had been much argued in another place, and he really thought it would be wrong to put it over, without going into a Committee, or looking at any one claufe of it. Lord Loughborough.

The Marquis of *Lanfdown* likewife fpoke in favour of the bill. He thanked the noble and learned Bench of Prelates for their concurrence in the general opinion, and faid, that he had always fupported upon the fame grounds the Proteftant Diffenters, and the repeal of the teft act, as a matter of right to them. His Lordfhip owned, that his opinion as to Catholics had been very different; their claim, if they had any, was an indulgence, not a right; but from a ftrict obfervance of their change of character and fyftem in every part of the world, he was now inclined to think them a harmlefs, wife people, who deferved the fame indulgence, and had the fame right as other fects to the protection and toleration of our laws. On the fubject of toleration, he faid, he had but one opinion or principle, and it was, that all religions ought to be tolerated under a free Government, unlefs where the exercife of that religion was dangerous to the State. He entered into a great deal of general argument and obfervation upon what had been faid, and concluded with wifhing that the bill might not be poftponed. Marquis of Lanfdown.

The Bifhop of Salifbury fpoke for the bill, but thought there were many claufes which required to be difcuffed fully and deliberately; he concurred, however, in the general arguments that had been ufed by other noble and learned Lords in the debate.

Lord Fauconberg fpoke a fhort time in explanation of what he had formerly ftated.

Lord Grenville. Lord Grenville rose to express his desire of going into the Committee, when the amendments suggested by noble Lords might be made with propriety and effect. He recommended this course, and thought it very possible that the bill might be amended to meet all the objections which had been started against it.

Lord Rawdon said a few words, and agreed to this course.

The bill was accordingly read a second time, and committed.

The House adjourned.

Thursday, 2d June.

This day, at a little past twelve o'clock, the usual procession took place. As soon as their Lordships were seated in the Court at Westminster Hall, Lord Kenyon (as Speaker) directed the Counsel for Warren Hastings to proceed on the defence. Mr. Hastings then rose, and began a speech, which he read from a manuscript, and continued reading for near two hours, when he asked the indulgence of a respite for a few minutes, which was granted him; as soon as he found himself recovered, he proceeded, and concluded about four o'clock; of which the following is the substance:

" My Lords,

" HOW painfully soever I may feel my disappointment in not being able to bring my defence before your Lordships during the continuance of the present session, I nevertheless believe it to have been an indulgence which your Lordships would, if you could, have granted; but which it was not in your power to grant, without such a sacrifice as an individual, supported even by the call of justice, in a trial which is become of such magnitude and consequence, as to attract the attention, and alarm the interests of thousands, could not expect; and I do therefore, with the most patient and respectful submission, bow to your determination.

" I am thankful for your allowance of this one day, in addition to the present session. I hope in such a manner to avail myself of it, as to compensate to your Lordships, no less than to myself, for the trouble of this short attendance, and to induce your Lordships to put an end speedily, and for ever, to my long and unexampled prosecution.

" It was not my intention, had your Lordships complied with the prayer of my petition, to bring a laboured defence before you, applied to every allegation in the articles of the prosecution. Neither could I hope that your Lordships would endure the time which would be required for it; nor could

could I, if I would, produce all the evidence which would be neceffary for fuch a mode of defence. Of thirty-four gentlemen who compofe the lift of witneffes, whom I had originally felected for examination, to the different and fucceffive allegations of the charge, fome are dead; fome returned to their fervice in India; others, after an annual, but fruitlefs and difheartening attendance, difperfed in unknown parts of thefe kingdoms, or, for ought that I can tell, in the remoter regions of Europe. Thofe whofe attendance I could engage are very few in number, chiefly gentlemen connected with me by the habits of familiar intercourfe, and their teftimony, for that reafon, liable to be depreciated by the licence which the Managers have affumed with the characters of thofe, even of their own witneffes, whofe evidence has not anfwered their expectation of it.

"Thefe, though competent to fpeak in my behalf in matters of comparatively lefs importance, may be unacquainted with the greater points in my defence. My evidence, however felected, could not be fo complete as it might have been, upon fome points, becaufe thofe, from whom ftronger teftimony might have been delivered, are no longer within my reach.

"In fuch cafes, would your Lordfhips admit it as an excufe for infufficient evidence, that I fhould have had better to produce, had my trial been brought within the compafs of a reafonable time from its commencement? Would it have been permitted to me, for inftance, to produce the minutes taken by my Counfel and Solicitor, though attefted by them upon oath, of the examination of the late Lieutenant Colonel Eaton to a feries of acts committed under his immedediate notice, and all proving inconteftibly the difaffection of Cheyt Sing, and a determinate plan to erect his independence on our external and growing difficulties? Yet I have no other fo ftrong to offer to thefe points in corroboration to that, of which your Lordfhips are already in poffeffion; and of this I am deprived, not by any neglect, or other caufe which could be imputed to me, but only by the effect of that unparalleled injury which I have fuffered, by the extenfion of a criminal trial beyond the chances of duration in human life.

"This difadvantage, which every paft year has augmented, every coming year will continue to augment, if it has not already attained that point, at which any evidence which I could call, would be ineffectual to the real ufes of it.

"Nor is it of the infufficiency of any future evidence only that I complain. Even of the paft I may exprefs my fear that much muft be obliterated, and the whole rendered obfcure, from the various lapfes of time fince it was deli-

yered,

vered, and from the impossibility of distinguishing accurately between the remembrance of proofs, and the remembrance of mere allegations.

" Every year has taken from me some of my Judges. New have succeeded, some by creation, some by inheritance, and others by election *. None of your Lordships will suppose I mean

* The changes in the High Court of Justice, since the trial of Mr. Hastings commenced, are as follow :

Peers who have died, or are not returned in the present Parliament.

DEAD.

Dukes of Cumberland
Chandos
Manchester
St. Alban's
Montague
Leeds

Earls of Huntingdon
Ferrers
Poulet
Clarendon
Pomfret
Hardwicke
Oxford
Abercorn
Cowper
Waldegrave
Kinnoul
Graham
Stanhope
Guildford

Viscounts Montague
Bolingbroke
Courtenay
Dudley and Ward

Bishops Shipley of St. Asaph
Halifax of St. Asaph
Beauclerc of Hereford
Harley of Hereford
Law of Carlisle
Thurlow of Durham

Barons Le Despencer
Say and Sele
Grantley
Boringdon
Berwick
Heathfield
Craven
Gage

Scots Peers not now in Parliament.

Marquis of Lothian

Earls of Morton
Cassilis
Galloway
Hopetoun
Aberdeen
Selkirk
Dunmore

Lord Kinnaird

Total dead, or not in Parliament - - - } 47

Creations.

Lords Kenyon
Dover
Malmsbury
Fife
Mulgrave
Fisherwick
Verulam
Grenville
Douglas
Harewood
Morton, Douglas

New Bishops.

Dr. Douglas of Salisbury
Cleaver of Chester
Horsley of St. David's
Beadon of Gloucester
Horne of Norwich
Vernon of Carlisle

New

I mean any disrespect, when I observe that these cannot be supposed to possess, or to be capable of attaining, the same knowledge of the past proceedings as those who have attended to them from the beginning; and every obstruction to that knowledge is an injury to my cause, if mine is, as I assert it to be, the cause of truth.

"With so many examples of the uncertainty of human life, I cannot help adverting a little to my own. I thank God that I have had a more equal portion of health since the commencement of this trial, than considering the broken state of my constitution, my advanced age, and the vexations of a six year's prosecution, I could have reasonably hoped to possess. Yet I have not been wholly exempt from such warnings, as make me dread to trust to the contingency of another year, the chance of an event so necessary to my peace of mind, as the termination of this tedious prosecution, if by any present effort I can obtain it from your Lordships.

"For these reasons, and others operating with a stronger force upon my mind, though unnecessary, and, perhaps, less fitting to be detailed to your Lordships, I have formed the resolution for which I solicited my appearance on this day, before your Lordships, and for which I am alone responsible, whatever may be the event of it.

"I deem it just to my Counsel to declare, that although, in all matters of a legal nature, I should rely most implicitly upon their advice; and although I have no less reliance upon their personal zeal and attachment than on their professional talents, yet in this instance I have followed the impulse of my own judgement alone, without the aid of theirs, and even against it; for it was not a decision subject to the rules of legal practice, but urged by internal considerations, of the force of which I alone could be the judge.

"If they could have made my case so absolutely their own, as to have felt the same impression of it upon their minds, that it might make upon mine, still they could not advise me to act upon that impression with hazards by which I alone might be the sufferer, and which it might be possible to avoid by waiting to a distant, though indefinite, season, for a surer termination of my trial, by a regular and detailed process.

New Peers for Scotland.

Earls of Kelly
Lauderdale
Dumfries
Elgin
Glasgow
Torpichen

Total dead, or not returned in this Parliament	47
Creations and new Bishops	17
New Peers for Scotland	6
Changes	70

" My Lords, a great portion of my life has passed among a people with whom it is an established and favourite maxim, that speedy injustice, is better than tardy justice.

" I shall not adopt this sentiment in the literal extent of it; nor from your Lordships shall I expect other than, at least, intentional justice: but even to your Lordships, highly as I revere your authority, and trust to the purity of your decision, I will dare to avow, that I had rather expose myself to the hazard of your present condemnation, if I thought there was a hazard of it, than wait to another year, for my acquittal, with the uncertainty, that even that year would conclude the trial.

" But with far different expectations, I now declare to your Lordships, that I am willing and desirous to waive my defence to the charge preferred against me by the Commons of England, and to refer myself to your Lordships' immediate judgement, if your Lordships will be graciously pleased to proceed to immediate judgement upon it.

" For my acquittal I trust most confidently to the evidence adduced by my prosecutors themselves to make good their charge; having myself listened with an attention scarce ever relaxed, or diverted from the proceedings; and being satisfied, that not one criminal allegation of the charge has been established against me, and almost every one refuted by their own evidence, either by the replies of their oral witnesses, or by the written documents, or their context, added by the vigilance of my Counsel, to the partial and mutilated extracts from them, which were introduced by the managers.

" Your Lordships will try my conduct by the evidence which my accusers have brought before you—not by their speeches. They were sent by their employers to accuse me, and to prove their accusations, not to revile me, much less to expatiate with all the licence of unrestrained declamation upon crimes, which their constituents had not authorized them to charge against me. But although I have reason, from my own observation, to believe that their laboured invectives produced on your Lordships' minds impressions favourable to my cause, in proportion as they were contradicted by the evidence before you, yet it was not to your Lordships' hearing alone that their invectives were directed.

" It is the custom of this country, and I applaud and admire the motive and the end of it, that the Court, before which the trial is heard, should be open and free of access to the whole world. But, my Lords, this custom puts my fame and honour at issue with other judgements than your Lordships, and their judgements are formed not like yours, upon calm investigation, and cool unbiassed wisdom, deciding on the evidence only which has been stated; no, my

Lords,

Lords, the audience come with other minds, and with different motives. They come to hear the declamations of invective, and to be amused by the ingenuity of the orators.—Bold assertions, however unfounded and unjust, are believed by them, because they are boldly made, and heard without refutation or denial. Misled by the arts of eloquence, they are deceived into opinions, of which it is impossible they can either detect the fallacy, or perceive the imposition.

"They are pleased and deluded by the talents of the orator; and whatever prejudices he wishes to create in their minds, they of necessity receive, and, after the entertainment of the day, depart with their passions inflamed, to communicate their effects to the circle of their acquaintance.

"I know your Lordships do not consider such declamations as any legal proofs, and I am confident you will not suffer them to make the slightest impression on your judgements; but is it possible that the general effect of them thus spread abroad, can fail to embitter my life, and affect my peace in society, as long as the trial lasts, by producing all the ill consequences on the public opinion, of a condemnation? For I fear, my Lords, that the axiom of the English law, that every one is to be presumed innocent until he is proved guilty by his Judges, will weigh but little when opposed to prejudices so conceived and disseminated.

"It is impossible for me to refer Judges of this description, and unnecessary for me to refer your Lordships, for the true criterion of my conduct, to the real and legal process; I mean to the evidence adduced, and adduced even by my prosecutors themselves; and I dare to repeat, that this evidence alone is sufficient for my acquittal, so far as it extends; and that where it does not acquit, it does not in a single instance operate to my conviction.

"My Lords, the delay has, in some measure, been imputed to myself; how unjustly is known to your Lordships, and to all who have attended this trial. It has been said that I might have answered article by article. That proposal was rejected by my Counsel, who alone were capable of judging of its propriety: but, my Lords, who could have thought that four sessions would elapse before I should have an opportunity of answering? There was no precedent in the history of this kingdom of a criminal trial lasting even through one session of Parliament, much less through five.

"It was impossible for me to avail myself of the experience of others in this case, though posterity may avail itself of mine. But, my Lords, with respect to wilful delay on my part, there never was a more unfounded assertion; for whilst my accusers have their expences borne by the public,

I am continually wasting my private fortune, and that so rapidly that every day's delay amounts to a fine. This circumstance alone was sufficient to exculpate me from every charge of delay and procrastination: and this circumstance, my Lords, contributes its share (though I own but a small share) in urging me to solicit your immediate decision.

"My Lords, it would be an endless task to enumerate all the items of accusation which have been made use of against me during the course of this long and tedious trial.— I have been represented by one of the managers (to use his own terms) an Encyclopedia of Criminality. It is, however, generally speaking, sufficient for the person accused, to give a general denial to general charges. But it will not take up much time to state to your Lordships the substance of the general charges, so often repeated, and so loudly proclaimed at your Lordships' bar, and to the Public.

"You have been told that I have ruined and depopulated the provinces entrusted to my care; that I have violated treaties, and brought disgrace and discredit upon the British name in India; that I have oppressed the native inhabitants by my extortion, or arbitrary demands of money; that I have wasted the public treasure by profusion; and that I have been guilty of disobedience to the orders of my superiors. This is the substance of the general charges urged against me; and it is a great happiness and comfort to me that I have it in my power to answer them by facts of such public notoriety, as to require no proof.

"My Lords, in refutation of the first, namely, that I ruined the country committed to my care, I need only say, I increased the revenues of my Government from three millions to five. They have increased since my departure, and are still increasing; infallibly proving thereby an increased population, and a good Government in former years. The accounts delivered annually to the House of Commons by the Minister for India are, indeed, the best answer that can possibly be given to the charge which I am now speaking of.

"In answer to my having violated treaties, and brought disgrace and discredit on the British nation, I desire to inform your Lordships, that the letters of Mozuffer Jung and Fyzoola Khan, to my successor in office were laid before the House of Commons. They requested to be treated by him as they had been treated by me. To these I may add, the letters of Moodajee Boosla, the Sovereign of Berar, to Mr. Macpherson, wherein he speaks of me in the most honourable terms, and expresses an anxiety for my health, far beyond the common course of compliment. If farther testimony were requisite, I might also quote, the letters of Nizam Ulmoolk to His Majesty, and of Madajee Sindia to

His Majesty, and to the Company, yet more strongly expressive of their sense of my justice and good faith.

" In answer to the charge of my having oppressed the natives by extortions and exactions, I have to offer the testimonials of all ranks of people in India in my favour. I trust your Lordships have not forgot what my accuser said upon this subject two years ago. When these memorials arrived, he felt the weight of them. He found the situation of an accuser to be very aukward, when the people, in whose name he had charged me with the grossest oppression, denied the truth of his accusations. He told your Lordships that the testimonials were extorted, and, in a figurative manner of speaking, he said, " that the hands were yet warm with the " thumb screws that had been put on them."

" The absurdity of this declaration was such as to require no answer. My influence in India has long ceased. It is very seldom that mankind are grateful enough to do even common justice to a fallen Minister; and I believe there never was an instance in the annals of human nature, of an injured people rising up voluntarily to bear false testimony in favour of a distant, and prosecuted oppressor.

" In answer to my having squandered away the public treasure, I have only to refer your Lordships to the amount of the expences, civil and military, of the Government of Bengal during my Administration, and that of my successor, in peace and in war: let the balance, which is very considerable in my favour, determine whether I have been profuse, or economical.

" In answer to the general charge of disobedience to the orders of the Court of Directors, I will not pretend to say that I have in no instance deviated from their instructions; most assuredly I have; but wherever I have done so, I trust I shall be able to justify those deviations by the necessity of the case, and by the event.

" That the Court of Directors were satisfied with the general line and tenor of my conduct, is evident from the thanks which I have been repeatedly honoured with by that body.

" I have farther to say, that the general sense of the proprietors has been at all times in my favour; for I have had repeatedly their thanks also, in the fullest and most unqualified manner.

" My Lords, I am sensible, that though I had the thanks and approbation of my superiors in many instances, and though it is acknowledged by many of those who voted for my impeachment, that my services were of the utmost importance, and, in fact, have preserved India to this country, I am sensible, I say, that notwithstanding these thanks and services,

ſervices, it is ſtill poſſible for me to have committed many reprehenſible actions, and that the performance of a thouſand meritorious deeds, is no proof of innocence, in other tranſactions.

"My Lords, although I have fully and irrefutably anſwered all the general charges urged againſt me, I cannot expect you will give me credit for perfect innocence in every particular inſtance, unleſ that innocence were proved by evidence now before you; and it is with a view of recalling your Lordſhips' attention to that proof, that I ſhall now enter into a curſory examination of the criminal points contained in the four ſeveral articles which have been brought before your Lordſhips.

"It cannot be expected I ſhould reply, in the ſpace of one day, to every minute allegation which my accuſers would have your Lordſhips behold in a criminal point of view.—The want of time will not permit to go into a detail; and I muſt therefore direct my attention to the great points of criminality, as they are called by my accuſers.

"The firſt charge which was brought before your Lordſhips (I am ſorry to ſay now more than three years ago) was, that reſpecting Benares—and the points to which criminality is imputed are principally theſe: That I violated a treaty with an independent Prince, by unjuſtly compelling him to pay five lacks of rupees annually for three years; that I cauſed his perſon to be arreſted, and that I intended to impoſe upon him an enormous fine for imputed delinquency; that I expelled him from his country, and appointed a ſucceſſor with a ſtipulation of ſeventeen lacks of rupees advanced rent to the Company.

"My Lords, theſe are the ſuppoſed principal points of criminality in the firſt article. Theſe are not all; but the remainder are of an inferior nature, and ſo dependent upon thoſe which I have enumerated, that they muſt ſtand or fall together.

"My Lords, there is abundant evidence adduced by my proſecutors to ſhew that Cheyt Sing was not an independent Prince. He was, as his father and grandfather had been, the vaſſal of Sujah Dowla. The diſtricts of Benares and Ghazepore were transferred to our government by the preſent Nabob of Oude, at a time when I myſelf could not be anſwerable for any of the acts of Adminiſtration, being then in a minority.

"My Lords, it is true that my accuſers took infinite pains to prove that Cheyt Sing was made independent of our Government in every reſpect, except that of paying to it annually twenty-three lacks of rupees, and that we had irrevocably bound ourſelves down not to exact, in any caſe whatever, a larger ſum than that juſt mentioned. All this body of proof is

is collected from the discordant minutes of the different Members of the Council, and from the resolutions of the whole.—Upon these minutes and resolutions they have rested Cheyt Sing's right of independency.

"My Lords, I scarcely need tell you, that whatever our various resolutions or opinions might be, individually or collectively, they could not affect the right or title of Cheyt Sing to the Zemindary, nor the tenure by which he held it. He was neither more nor less than a Zemindar. His Sunnud and Pottah were made out, not from a copy of stipulations and agreements between him and the Company, but from the common formulæ of such instruments granted to Zemindars in the Company's original provinces. The Rajah never pretended any right to stipulate or demand: he was content with what the Company was pleased to allow him.

"My Lords, I do again insist upon it, that no arguments, votes, or resolutions, of our Board, could confer any right or title upon Cheyt Sing, which he did not possess from his Pottah and Sunnud: therefore the whole of the evidence, which the Managers have brought respecting our various opinions on the rights of Cheyt Sing, is null and void; and he must be considered the same as any other Zemindar of the British Government, with the exception of certain privileges conferred upon him, which were accurately defined in the Sunnud and Pottah.

"Perhaps there never was a more unfair attempt to delude a Court of Justice than that of making me answerable for violation of a treaty with an independent Prince, who had no other claim to independence than that of being so stiled in some of our debates in Council, through the inaccuracy of language.

"It follows from what I have said, that if every Government has, in time of danger and necessity, a right to increase the taxes and revenues upon their subjects, we had also the same right to increase the tax, rent, or revenue, or whatever name be given to Cheyt Sing's yearly payments, upon him, who was our subject, whenever necessity should require it; and of that necessity Government only could judge.

"These, my Lords, were my sentiments at the time when I moved in Council for a temporary subsidy to be paid by Cheyt Sing. These are my sentiments at the present moment. I considered taxation and protection as inseparably arising from each other. I never did look upon the Sunnud as exempting Cheyt Sing from the customary demands which all superior states in India make upon their dependants in time of war; namely, that of aids both in money and troops. To this point of right in our Government, to demand aid in troops and money during a war, I must entreat your Lordships

ships most particularly to attend; for if your Lordships shall be of opinion with His Majesty's prime Minister, an opinion delivered with much solemnity in the House of Commons, that our Government did possess the right, then all the criminality imputed to this demand of a contribution of Cheyt Sing vanishes, and is totally annihilated. But should your Lordships think otherwise, which I cannot for a moment suppose, in that event my guilt will be a mere error of judgement, which is rather a weakness of human nature than a fault.

"Again, if your Lordships think with me, that we had a right to call upon Cheyt Sing, then the next question will be, whether our demands were too great for the urgency of the occasion, or beyond his ability to comply with. The sum demanded was only five lacks, and it was not made till after we commenced a war with the Mahrattas, and had received intelligence of a war with the French, and thought ourselves in danger of an invasion

"My Lords, I need not enter into a detail of the various objections, difficulties, and delays, which Cheyt Sing made in the payment of the required aid. It is sufficient to acknowledge, that I went up the country determined to call him to account for his misconduct. The result was his imprisonment and rescue, a rebellion, and his consequent expulsion from his country.

"My Lords, if we had a right to an extraordinary aid from our Zemindars in time of war, we had a right to enforce that demand. We did enforce it upon Cheyt Sing; but it was attended with so many increasing difficulties and delays, that it almost rendered abortive the purposes it was intended for at a most critical season.

"My Lords, it is urged against me as a matter of great criminality, that I put the Rajah Cheyt Sing under arrest.— It is true, I did so; but his arrest was not attended with any disgraceful restraint, for it was in his own house.

"It is also urged against me with much acrimony, that I intended to lay a fine on the Rajah of fifty lacks of rupees.— The sum is undoubtedly large in sound; but it by no means exceeded the ability of Cheyt Sing to pay it with ease, as is evident from the treasures left behind him, after he had employed all his carriage cattle to export his gold and jewels to a foreign territory. He must have been immensely rich; and a small fine would not have been felt as any punishment by a man of his opulence. But, my Lords, whether I was wrong or right in my intention, I had no other view in it than that of relieving the necessities of the Company, by an act which I conceived to be strictly just. And after all, there certainly can be no crime in an unexecuted intention, an intention which

which the Rajah knows not to this hour, and which I possibly might have altered upon the Rajah's submission and promise of better conduct.

"The next point of criminality is, that I appointed a successor after the expulsion of Cheyt Sing, and increased the revenues to seventeen lacks of rupees annually.

"My Lords, there was no alternative between the restoration of Cheyt Sing, and the appointment of a successor.—The former was impossible, and the latter consequently unavoidable. In my choice of a successor, I was guided by the rules of consanguinity and hereditary succession; and in settling the revenues, I did what my duty to the Company required of me. I fixed their amount from the best information of the country's abilities to pay it; and the annual payments of the same sum, from that time to the present, with trifling balances in some years, which have since been realized, are a sufficient testimony of its not being over rated.

"Before I quit this article, it may be necessary to call the attention of your Lordships to another point:—Acting, as I did, under a delegated authority, I maintain, that whenever my superiors had information both of my opinion and conduct, and expressed no disapprobation of either, their silence amounted to an approbation, and may be justly pleaded by me as a full justification of my conduct. When I first proposed the demand of five lacks of rupees a year during the war, a doubt was started by Mr. Francis as to our right of making it; I recorded my opinion, that we possessed that right which is inherent in all Governments, of calling upon their subjects for extraordinary aids upon extraordinary emergencies, and that we were not precluded from exercising that right by any engagement made with Cheyt Sing.

"A second debate arose at the Board upon the same question in consequence of his delays and evasions, and a pointed reference was made of the question, in both instances, to the Court of Directors, from whom I never received one word of censure or disapprobation to what we continued to do, and regularly reported in our letters and minutes, for three years successively. The same communication was made to His Majesty's Minister, the present Earl of Guildford, with whom, at his own request, I corresponded for many years.

"My Lords, it would be an extremely hard case to make me answerable for an error in judgement; into which, if I have fallen, I have fallen in common with my immediate superiors, and His Majesty's Minister. But, my Lords, I feel myself so strong, so grounded on the matter of right, that I hold it almost impossible there should be a dissenting opinion in any human being who will be at the pains of examining the question with impatiality.

" My Lords, in the course of this trial, my accusers, to excite a popular odium against me, have called me the abettor or usurper of arbitrary power. I certainly did not use the words arbitrary power in the sense which has been imputed to me. The language, it is true, was not my own, for I was indebted for that part of my defence to the assistance of a friend; but this I can aver, that nothing more was meant by arbitrary power than discretionary power. I considered myself and Council as invested with that discretionary power which Commanders in Chief have over their armies, which the legislature has lately conferred in a greater extent on Lord Cornwallis singly, and which all Governments have in their legislative capacity over the property of their subjects. I never considered that my will or caprice was to be the guide of my conduct, but that I was responsible for the use of the authority with which I was invested, to those who had conferred it on me.

" My Lords, let me be tried by this rule: Did I act prudently and consistently with the interest of my superiors, and of the people whom I governed? Whatever may be your Lordships' opinion upon this question, I can with a safe conscience declare to all the world, that my intentions were perfectly upright, and biassed by no selfish considerations whatever.

" My Lords, having said thus much on the subject of the first article, I must pray your patience whilst I make a few comments on the second.

" The principal point of imputed criminality in this article is, that after the Supreme Council had guaranteed the Begum in the possession of the treasure left in her custody by her deceased husband, Sujah Dowlah, I permitted her son to resume by force the said treasures, and thereby violated the guarantee. In order to influence the minds of your Lordships and the Public, great pains were taken by my accusers to represent me as guilty of the most atrocious cruelties and barbarities in the act of resumption. I have, however, the happiness to find, that it is totally unnecessary for me to enter into an exculpation of myself with regard to the latter part; for the evidence of Captain Jacques and Major Gilpin clearly proves, not only that no cruelties were committed in the manner which is stated in the articles, but if there really had been any cruelties committed, no blame could be imputed to me, nor to any person acting under the British Government.— That the resumption of the Begum's jagheers, and the resumption of her treasure, had my approbation, I readily admit; nay more, I admit, that after I had given my consent to the Nabob's resuming all the jagheers, and resuming all the treasure, I did earnestly urge him to carry his intentions into effect.

" My

"My Lords, at the time of my giving this consent, I was, from the intelligence I had received, fully convinced of the Begum's disaffection to our Government. It was not my opinion only, but it was the general rumour of the country, that she and her Ministers aided and supported Cheyt Sing in his rebellion. That such was the general rumour and puplic opinion, is evident from the affidavits already before your Lordships; and notwithstanding the ingenuity of the Managers, who laboured to explain away their meanings, they still contain and afford the most ample proof of the hostile intentions, both of the Begum and her Ministers, towards our Government. But had the continuation of this session enabled me to enter into a detailed defence, I could have brought the most irresistible evidence to prove, not only the general rumour and opinion, but also that the Begum did, through her Ministers, actually lend her assistance to our enemies.

"My Lords, I believe there is no state in the world that considers a guarantee, made in favour of another state, binding any longer than whilst they continue in amity with each other. The first hostile act of the party guaranteed is, and must be, a sufficient reason for withdrawing protection.

"It is not expected that we should protect our enemies.—It is true the Begum could not be considered as the Queen or Empress of an independent state: she was properly a jagheerdar, under the dominion of her son; and perhaps, there was much more internal criminality in making the guarantee, than in withdrawing it. The act of making it was not mine; it was done by the Resident without the knowledge of the Board; but it had their approbation after it was done. Neither do I contend, that our Government was not bound to the fulfilment of the conditions. But as a great clamour had been raised without doors about the resumption of the Begum's treasure, and as it has been represented as a most unnatural act for a son to rob his mother, I hope your Lordships will allow me to state and explain the matter.

"When Sujah Dowlah died, he left a large sum of money in the custody of his wife: she had been his treasurer, and was so at his decease. By the Mahomedan laws, the widow having a dower or settlement, is not entitled to any share of the intestate's effects. Sujah Dowlah died without a will; and though possessed of a very large sum of ready money, was also very deeply in debt. His debts, if paid, would probably have consumed every rupee in his treasury. In India, as in all other countries, debts must be paid, if there are sufficient assets, prior to legacies, or any distribution among the heirs. In any point of view, the Begum had no legal right to the treasures of her deceased husband: she had no

 right,

right, except that of possession; and of that her son would have forcibly deprived her, had not the Resident interfered with his conciliatory advice between them. Nothing could excuse his interference, but the consideration of the near relationship between the parties, and the certainty of the Nabob's having his just right at the death of his mother. Had my accusers thought fit to have taken the other side of the question, they could with as much ease, and with much more justice, have influenced the minds of their hearers against the mother for her unnatural conduct to her son, than they did influence them against the son for ill conduct to his mother. I say with much more justice, because the son had a right by the laws of his country, which his mother had not. If the latter was deprived of the treasure, she was only deprived of that some years later, of which she could make no use, and which she ought voluntarily to have given up some years sooner. My Lords, I speak this on the equity of the case; for though it may be contended that the Begum had a right to the treasure, by the Nabob's concession and our guarantee, she never had, nor could have, an equitable right to retain it. There would have been nothing unjust or unnatural in the Nabob's taking by force the treasure left by his father, if he had done it in the first instance, and appropriated it to the payment of the immense debts which Sujah Dowlah owed when he died, and which the son was obliged to pay. It is nothing more than is done frequently by our Courts of Justice, who will compel an avaricious mother to divide her deceased husband's property with her children, by an execution on her goods, or imprisonment of her person.

"If there would have been nothing improper in the Nabob's insisting upon his right in the first instance, there could be nothing unnatural in what he did in the second instance: he only exercised a right which he was restrained from using by a foreign influence, which, as I have said, was not very properly exerted.

"But, my Lords, whether our interference in the original dispute between the mother and the son was right or not, it was certain she was entitled to our favour no longer than while she continued to deserve it.

"My Lords, after I had, upon the fullest conviction of the Begum's disaffection to our Government, consented to the resumption of the treasure and jagheers, it is true, I was desirous of having it carried into immediate effect. But the resumption of the jagheers was first proposed by the Nabob himself to be general; and the point upon which I afterwards pressed him was, that of resuming the jagheers from his orderlies—a description of men that were by no means deserving of his countenance or favour. He never was averse to the

the resumption of the jagheers which were held by his mother; but rather than extend that resumption to his orderlies, though originally proposed by himself, he would have abandoned the plan altogether. This I opposed strenuously, because, having committed myself by the assent I gave, I could not brook the idea of my name being made use of for the purpose of making so unworthy a distinction, which must have affected both the character of myself, and of the English Government.

"Much criminality has been imputed to my neglect of the Company's orders, which enjoined me to make a judicial inquiry into the truth of the Begum's disaffection. My Lords, I positively deny now, as I did at the time in Bengal, that any order was transmitted to us to make any inquiry at all; and if upon any construction of language it had been deemed an order, which it was not by any one Member of the Board, it would have been an act of insanity in us to have obeyed it, in August, 1783, when a perfect reconciliation had taken place between the Nabob and his mother. Such an inquiry would have thrown all the Nabob's dominions into utter confusion. To have entered into an inquiry, if it had been ordered, which I affirm, and so did Mr. Macpherson, after attentively reading the letter, it was not, would have opened the breach again, and, perhaps, prevented it from ever closing: besides, no arguments upon earth could have convinced the Nabob of the propriety of his restoring the treasure, which ever was, in strict justice and equity, his own, and of which he had been unjustly kept out of possession.

"My Lords, there is a contradiction in the charges brought against me by my prosecutors, which shews that their zeal for accusing, transported them beyond the bounds of judgement. I am accused of wringing by violence from the Nabob, his consent to the resumption of the treasures and of the jagheers in one part of the article; and in another, of having sold my consent to the same measure for ten lacks of rupees to the Nabob.

"My Lords, it is impossible these two propositions can stand together: they contradict each other, and I positively deny them both. I have another observation to make with respect to the resumption of the jagheers. It was stipulated with the Nabob, that an equivalent in money should be annually paid to the Begum, in lieu of the lands of which she was deprived. There was certainly no injustice in this, and the measure was of infinite service to the Nabob's Government; for it cut off those mischiefs to which a divided authority is always liable in India.

"I must intreat your Lordships to remember, that at the time I formed an intention to levy a fine upon Cheyt Sing, and

and when I consented to the resumption of the Begum's treasure, our Government was in the utmost distress for money. I need not in this place enter into a minute detail of the several armies we then had in the field, or of the various demands upon me for immediate supplies of treasure. It is sufficient to say, that the distress was as great as it was possible to be without an actual state of bankruptcy, and insolvency. It was very natural, under such circumstances, for me to avail myself of every just means of supply, which fortune might throw in my way. It might, and I may say it actually did, incline me to act with greater promptitude and decision than I otherwise should have done. I do not, however, mean to say, that the want of money for the public service would have induced me to take the very measures I did: neither is it necessary to say what measures I should have taken, under other circumstances, to procure the speedy payment of the Nabob's debt. But it would have been highly criminal in me, had I neglected or refused to give my assent to the Nabob's proposition, which was founded in justice and expediency, both for his Government and ours, and particularly at a time when treasure was so much wanted for the payment of our armies.

" My Lords, I do most solemnly declare that I acted to the best of my judgement, paying due regard on the one hand to the laws of justice and on the other to the interest of my employers. To myself individually it was a matter of no moment how the exigencies of the service were supplied, so they were actually and effectually supplied. I could have no undue bias upon my mind; for had I been inclined to act corruptly, I might have found my own account in forbearance, but not in exaction.

" The next charge, my Lords, is that of the presents, and it divides itself into two parts, viz. that of the concealed, and that of the avowed presents.

" In answer to the first, I need only say, that there is no proof before your Lordships of my having accepted any thing more than the common zeâfut *; and even of this there is no other proof than my own admission. I will not pretend to deny, I never did deny, that I accepted the usual entertainments which were then (for it was previous to the act of Parliament prohibiting the receipt of presents) usually given to the Visitor, by the Visited. The Nabob of Bengal received a thousand sicca rupees a day for a similar entertainment from the Company, as often as he visited the Governor in Calcutta. It was usual in the country, and it is impossible for any person to read any oriental history, without knowing, that the

* Entertainment.

custom

custom has prevailed all over the East, from the most ancient times to the present. My predecessors, as I was informed, had received the same, and it was never held criminal in them. I can most solemnly affirm for myself, and I dare say it might be said for my predecessors also, that I did not add one rupee to my fortune by this allowance; and I am confident I must have charged as large a sum to the Company, if it had not been paid to me according to invariable usuage, from the Nizamut. It is impossible there could have been any thing wrong in this transaction: not only was it a matter of public notoriety never denied by me, but the opinion of Counsel was taken by the Company, as to the propriety of commencing a prosecution against me for it, at a time when the Minister wished to seize any ground for removing me from my station, through the medium of the Court of Directors. The legislature, since this business was the subject of discussion, has three several times appointed me Governor General of Bengal, at the recommendation of that Minister. Surely, my Lords, it cannot be the intention of my countrymen, after availing themselves of my services as long as they wanted them, to call me to an account for acts, which were publicly known fifteen years ago. If there was any criminality in my receiving the amount of my expences from the Nabob, it was sufficient to have induced my superiors to have recalled me at the time when they first knew of it: but it was never held up to the world as a heinous offence, till my enemies thought it might be of use, to load the scale of criminality.

"Time, my Lords, will not permit me to say any more in exculpation of myself from the remainder of the allegations in this part of the article, nor is it necessary, since no evidence has been given upon them; but I solemnly declare that each allegation is utterly false, and without a shadow of foundation; I solemnly declare, that I never, directly or indirectly, received a present from Nundcomar, or any other person mentioned in this division of the charge.

"I must hasten to make my observations on that part of the charge which is called the avowed presents.

"My Lords, the Managers of the prosecution against me have here prepared a two-edged sword; for they have endeavoured to shew a double share of criminality in this transaction. First they contend, that I took the presents with a corrupt intention, and would have kept them, had not my fears urged me to a disclosure; and secondly, that the receipt of presents, though for the use of the Company, was a breach of an act of Parliament. In support of the first conclusion, they have nothing but their own suspicions, which they have endeavoured to impress upon the minds of your Lordships, by attempting to shew a variation in the several

accounts

accounts which I have given respecting the time and manner of receiving them.

" To repel this mode of attack, and to efface the suspicions which they endeavour to raise, I have the oath of Mr. Larkins, a man of the highest character for truth and honour, whose integrity has been repeatedly acknowledged by Earl Cornwallis, the Board of Control, and the Court of Directors, and whom I believe to be as rigidly honest a man as any in Europe. That there are variations in the different accounts I admit. Many mistakes I have made, which have struck me with as much astonishment as they could possibly strike any of your Lordships. If there had been any act done by me a few years ago, of which I conceived myself warranted to speak with a more perfect recollection than another, it was this: That before I left Calcutta, in July 1781, I had endorsed the bonds of which your Lordships have heard so much, and had left them with Mr. Larkins, to deliver up to the Council, in the event of my death. So desirous was I that the statement of this fact should not rest upon my assertion, that I desired a search might be made at the India House for those bonds, or for copies of them; but none were to be found. I then requested Major Scott to write to Mr. Larkins in my name, and to desire a search to be made for them in Calcutta; and if found, that they might be publicly transmitted to the Company. They were found: they were sent to the Company in 1789 by Earl Cornwallis, at the express requisition of Mr. Larkins, who states in his letter that he made that requisition at my desire, transmitted to him by Major Scott; but to my utter surprise, the endorsement of the bonds is not dated until the 29th of May, 1782.

" After this fact, my Lords, I am as ready as any man to acknowledge, that I have been imprudent in a degree that merits some of the reflections so illiberally thrown out against me, for having written, as I have too often done, on matters of account, in which I have myself been previously concerned, without having a single paper or document of any sort near me at the time I wrote; for I admit it to have been well observed by the Manager who closed the article of presents, that I not only affirmed I had endorsed the bonds in the middle of 1781, but had assigned a reason for so doing; namely, lest I should die during my absence from Calcutta.

" My Lords, after this, I should be almost afraid to hazard a supposition; but as the bonds were left with Mr. Larkins, as my attorney, and as Mr. Larkins knew from the first that they were not my property, I conclude that I told him, in 1781, that in the event of my decease he was to de-

liver them to the Council, which I confounded with the act of having endorsed them.

"But, my Lords, from all the inaccuracies in the accounts before you, I defy any candid man alive to draw this conclusion; that I intended for a moment to apply this money, or a rupee of it, to my own use.

"My Lords, you cannot suspect me of a fraudulent intention, without looking upon me as the weakest, or upon Mr. Larkins, as the most perjured of mankind. Had my construction of the purpose intended by the endorsement of the bonds been invented for the purpose of deception, I should have stopped when I had assigned it. Instead of this, I sought, and with a diligence which it is not likely that I should have employed to detect myself in a falsehood; first, for authentic copies of the endorsed bonds at the India House, and afterwards for the originals in Calcutta. These being found, proved that I had erred in my account of the transaction; but it also demonstratively proved, that I had given that account, believing it to be true; and presumptively, that my intention and consequent instructions to Mr. Larkins were, that the bonds, in the event of my death, should be cancelled by him.

"Time will not allow me to enter into a detail of the various circumstances, and to give my reasons for accepting the presents, farther than to repeat what I have often declared, that the necessities of the Company's service made me joyfully snatch at every just means of relieving them. The Managers have totally failed in their endeavours to shew any corrupt act done by me in favour of the persons from whom these presents were received. The lands at Nuddeea, Dinagepoor, and Bahar, were let to the best possible advantage, and every means taken to realize their revenues.

"My Lords, it will depend upon your Lordships to give me what degree of credit you please. Whether I intended for a moment to apply any one of the sums received by me to my own use, is a point which can be known only to God and my own conscience. I can solemnly, and with a pure conscience, affirm, that I never did harbour such a thought for an instant: and permit me to add, my Lords, that I was too intent upon the means to be employed for preserving India to Great Britain, from the hour in which I was informed that France meant to strain every nerve to dispute that empire with us, to bestow a thought upon myself, or my own private fortune.

"With respect to my having violated an act of Parliament, I do by no means admit that I have done it: that depends, not upon what I have done, but upon what your Lordships may do; that is, upon what construction your Lord-

ships may put upon the disputed clause. I can only say, that I interpreted it to the best of my judgement; and if I have erred, I have done so in common with many others. No person ever suggested to me, that the act of Parliament deprived the Company of the right of receiving the customary presents, till I heard that interpretation from some Members of the House of Commons.

"My Lords, I should think it impossible for your Lordships to fix any criminality upon incurable ignorance—I say incurable—for though your Lordships should punish me in the severest manner for this mistake, the example can be of no use to the present generation, nor to posterity: for you can never give a common understanding the powers of diving into the latent meaning of an obscure clause in an act of Parliament; a clause of which its real, but latent meaning, is at variance with its grammatical construction.

"But, my Lords, a criminality of this nature must depend as well upon the understanding of the Judges, as of the party accused; for it is possible that his interpretation may be right, and theirs wrong.

"But, my Lords, I have two observations to make, either of which alone would be a full answer to the point of criminality: First, that there can be no criminality in unavoidable error; for though it is a maxim in law, that ignorance is no excuse, it goes upon this supposition, that information was possible; which, in my case, it was not. Secondly, that "*Communis error facit jus*;" for every body that I had occasion to converse or correspond with seemed all to understand the clause in the same light as I did.

"I must here conclude my comment upon this article, with again declaring the purity of my intentions; that I accepted the presents for the good of my employers, and that I employed them in their service at a time when the Government of India was distressed beyond the power of description.

"My Lords, the fourth article is that of Contracts and Allowances. It comprehends, in a Government of thirteen years, five different heads.

"The first is, that I gave Mr. Sulivan a contract for opium, which proved very lucrative to him, and that I gave it without putting it up to the lowest bidder. The facts are true, and it is incumbent upon me to explain every circumstance in the transaction. It was I myself that created that resource of revenue for the Company, and they derived much advantage from it, above half a million sterling in my Government.

"The value of the opium contract was first ascertained by auction, and we accepted the proposals of Mr. Griffith and Mr. Wilton, who were the lowest of thirteen bidders. We

gave it to them a second year; and in 1777 this contract was given to a friend of Mr. Francis's, to a Mr. Mackenzie, who held it three years upon the former terms and then it was given to him for one year longer. It was next given to Mr. Sulivan, who, it seems, sold the contract at a very advanced rate to Mr. Benn, who afterwards sold it to Mr. Young; but of this sale I was utterly ignorant, until after my arrival in England; and Mr. Sulivan was, during the whole period of his contract, the person responsible to the East-India Company.

"My Lords, it was impossible for me to know the exact price of opium in the provinces; and it now appears upon evidence, that it was purchased by the second contractors much cheaper than ever it had been by the Patna Council, when they enjoyed it as a perquisite.

"The only question that can be asked here is: Why was not the contract put up to auction according to the Company's order?

"To this, my Lords, I answer, that opium was of that nature, and so liable to frauds and adulteration, that it was detrimental to the interest of the Company to give a contract upon such low terms as to drive the contractor to the necessity of debasing its quality, to preserve himself from loss.—It was absolutely necessary in such a case, as it was in many others, to have a man of credit, honour, and property, upon whom we could rely for a just and faithful performance of his engagement.

"My Lords, it was objected that Mr. Sulivan was too young and unexperienced for such an employment: but those who made the objection did not advert to this consideration, that the same objection would lie against Mr. Mackenzie, and it would operate against the appointment of every Member of Council who had of late been sent to India. Surely inexperience in the growth and manufacture of opium, and inexperience in the modes and forms of Government, are exposed to hazards of very different magnitude and consequence.

"An objection has been raised against Mr. Sulivan, on account of his being called my assistant. By assistant it was not meant colleague in office, or participant in power; but a more respectable name for a secretary, or writer.

"The next head is, the Army cattle Contract. Upon this I am charged with corruption and waste in the rates, and excess in the increased numbers of the cattle.

"The corruption, I conclude, alludes to some inordinate profit in it. To this I answer, that the profit was solemnly attested by Mr. Ferguson, offering to confirm it by oath, that fifteen per cent. per annum was the extent of the profit

during the war, and that profit ſtill liable to outſtanding debts. This, ſo far from being an exorbitant profit, amounted to no more than a reaſonable agency.

"But I ſhould firſt have anſwered the charge of breach of orders in not putting the contract up to auction, and accepting the loweſt bidder. The Army Contract had for many ſucceſſive years been put up to annual ſale, until it had been beaten down to rates unequal to the ſervice. This came in proof before me: for when the war was ſpreading, the contractor threw himſelf upon our equity, and declared he could not perform the ſervice upon the terms he had undertaken.— The terms, in conſequence of that repreſentation, were reviſed and amended; the Board having, in the year 1778, granted additional allowances, becauſe the former were inſufficient. How was it poſſible to advertiſe for the loweſt bidder, while we were rejecting the loweſt bidder, and admitting the expediency of raiſing his terms? The thing required by the Company was impracticable. As to the extravagance of the rates, theſe had been formed with the advice of the beſt informed and moſt experienced officers. This point was alſo brought in proof before me: for when General Goddard's army was to march acroſs India, they had ſcarcely quitted our provinces, when the contractor proved himſelf once more obliged to throw himſelf upon the juſtice of the Board, notwithſtanding the raiſed rates, which he found inadequate to the ſervice; he therefore prayed that ſome other might do the ſervice; and his prayer was granted.

"The exceſs of numbers is next to be conſidered.—— Six thouſand ſeven hundred were appointed for an army of thirty-five thouſand men. No detachment marched that did nor require much larger proportion than theſe numbers bore to the whole army. The army now in the field, of eighteen thouſand men, has twenty-three thouſand head of cattle. A detachment of two thouſand five hundred men marched from Bombay; they had nineteen thouſand head. In ſhort, no army ever moved that did not prove the numbers fixed in the new contract to be too ſmall, inſtead of too great, provided I am right in my opinion, which is, that the army in Bengal, and in Oude, ſhould at all times be in readineſs for actual ſervice.

"The next criminal point imputed to me, is that of granting extraordinary allowances to Sir Eyre Coote, and continuing them to him after the Court of Directors had prohibited thoſe allowances.

"My Lords, the Company allowed the Commander in Chief, being in Council, ſix thouſand pounds a year, for his ſeparate truſt. Sir John Clavering thought it inſufficient and remonſtrated, but without ſucceſs. The probable con

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ſequence of his failure was, that he never viſited the diſtant ſtations of the army, nor took the field in perſon whilſt in India. Sir Eyre Coote, on the contrary, early declared his intentions to viſit the ſeveral ſtations of the army, and the Board fixed certain allowances, which he was to receive while abſent from Calcutta. He reviewed the army in Oude, and the Board thought it reaſonable that, while Sir Eyre Coote was in the Vizier's dominions, theſe extra allowances ſhould be defrayed by the Vizier, who readily conſented to pay them.

"This, my Lords, was not any breach of treaty, for the treaty mentioned in this article, as having been violated, was the treaty of Lucknow, concluded in 1775, by which the Nabob was to pay two lacks, and ſixty thouſand rupees a month, for a ſpecific number of troops; but ſince that period an additional number of troops had been ſtationed in his own dominions, at his own expreſs requiſition for which he paid an additional, but indefinite ſum, annually.

"The Nabob had ſo high a ſenſe of Sir Eyre Coote's merits and ſervices, that inſtead of objecting to the propoſed allowance, he expreſſed a wiſh that it were double that amount. He doubtleſs never loſt ſight in the General's abſence, of his being engaged as much in the defence of his provinces, as of thoſe of the Company; and it was upon that principle that he was ſo forward to continue Sir Eyre Coote's allowances whilſt on the coaſt. It is always the cuſtom for all the Company's military ſervants to draw double Batta, or extra allowances, when out of the Company's provinces; and it would be ſtrange indeed, that the Commander in Chief ſhould be the only exception.

"My Lords, when Sir Eyre Coote quitted the upper provinces, and went on ſervice to the coaſt, the ſame allowances were continued to him by the Company: for it was unreaſonable that he ſhould take the field upon the allowances which his predeceſſor enjoyed for ſtaying in Calcutta.

"My Lords, I ſo well knew the value of Sir Eyre Coote's preſence on the coaſt, at the time when the army was defeated and diſpirited, that there is hardly any thing he could have aſked, which I ſhould not have given him.

"My Lords, I muſt alſo pray you to advert to the circumſtances of General Stibbert, who was an inferior Officer, having an allowance of above eighty thouſand rupees a year, whilſt General Coote was reſtricted to ſixty thouſand.—Could it be expected that he ſhould have been ſatisfied with that degrading difference, at the ſame time that he was upon actual ſervice, and liable to many additional expences, whilſt General Stibbert was at his eaſe, in cantonments, or garriſon?

"My

" My Lords, it was impossible for Sir Eyre Coote's allowance, as settled at home, to be sufficient in the field, if the same sum was not too much for General Clavering in Calcutta, or if greater sum was not too large for General Stibbert, in cantonments.

" But, my Lords, it was not a time to cavil with Sir Eyre Coote about field allowances: I never was more convinced of the truth of any hypothesis than of this; namely, that if Sir Eyre Coote had resigned in disgust, which he might have done, the Carnatic had been infallibly lost to this country for ever. I can only say in addition, that I had no sinister view or motive in what I did; and I should think it my duty to act the same part over again, in like circumstances. Nay, I would have abridged my own allowances to have increased his, if he could have received them, rather than have suffered him to resign in disgust, or to have quitted the army in discontent.

" My Lords, in accounting for the agency given to Mr. Auriol, it will be necessary for a moment again to call your attention to the very alarming and distressed state of our possessions in the Carnatic. Hyder Ally, victorious in the field, with his numerous army, which had cut off a large detachment of our troops, and had driven the main body back with considerable loss to Madras, was laying siege to Arcot, which inevitably fell soon after, for want of succours. His numerous followers were desolating and laying waste the whole face of the country, by burning the villages, and destroying the cultivation, up to the very walls of Madras.

" In this desperate situation did the President and Council write to us for every possible aid of troops, money, and provisions. Sir Eyre Coote, with a reinforcement of Europeans and treasure, by the celerity of his departure and arrival, though in the worst season of the year, gave a fortunate turn to the state of our affairs upon the coast. We at the same time entered into a contract to send them the quantity of rice which they had applied for: but this was soon exhausted.— They applied for more, and Mr. Auriol, our Secretary, delivered in proposals to send it on the same terms as the last contract.

" My Lords, I then foresaw that the Presidency of Madras, as well as the army, must depend entirely for their subsistence and support upon Bengal. Another contract would have been but a feeble resource. The exports of individuals could never be relied upon, for so great and so serious an object.

" My Lords, contracts might have failed. One contract, and one only, was entered into during the service of the agency, and that did fail. The contractor prayed to be released from a great part of his contract, and was released, although the rate of his contract was higher than the average price of all the agent's supplies, with his commission included.

Nay,

Nay, contracts must have failed for want of resources in the Treasury to fulfil the stipulations for the Public. The agent employed his own credit.

"My Lords, the French fleet was for near two whole seasons in complete and undisturbed possession of the bay of Bengal; ours being in harbour at Bombay. Insurance was not always to be procured, and individuals would not trust their property but in the hopes of large profits to compensate for their risks.

"My Lords, the Public had so great a stake to save, that it answered to them to send rice at all risks; and the event has proved, that it answered well; as the agent, though his commission was liberal, supplied the settlement of Madras with rice, both better in quality, and twenty per cent. cheaper, than the former contract. He supplied them with it at one half the price at which individuals, landing it there, were compelled by the Government of Madras to sell it to them in exchange for bills upon Bengal; and the average rate of all his supplies, with commission included, was less than the rates of ten out of eleven proposals received for the contract, after the agency was abolished; and as low as the very lowest proposal. The commission, I admit, was liberal, though not more than had been usual for offices of supply in Bengal.— It was originally fifteen, never twenty-five per cent, (as erroneously stated by the Manager who summed up the charges) but afterwards considerably reduced; and there were many charges to be defrayed out of it.

"My Lords, I submit, that an agency was the only effectual mode of insuring a constant and sufficient supply for this important service; and I maintain, that it has proved to be the most frugal mode to the Company. The confidence which the Board had in Mr. Auriol's diligence and integrity, confirmed by many years experience of his conduct, pointed him out as a proper person for this service, and he was accepted.

"The mode of delivering accounts upon honour was not a new mode in the Company's service, (and it is practised at the present moment in Bengal) nor was it by any means intended to preclude the examination of vouchers, where vouchers were required, or could be produced; but meant to strengthen the obligation on the party accounting, where vouchers either could not be had, or were so numerous as to make it almost impracticable, to examine them with the accounts. I understand that vouchers never were refused by the agent.

"But as so much has been said on this subject, I hope I may be permitted to remark, without any imputed disrespect to your Lordships, whose honour no man can more highly revere than I do; that I think it is impossible you can conceive the term has been prostituted or misapplied on these occasions.

Every

Every merchant depends on the honour, credit, good faith, or honesty, (call it what you will) of his reputed dealings; and were this dependence banished from the community, I fear we should have very little security for any transactions in our intercourse with mankind.

"My Lords, I am accused of granting an agency to Mr. Belli, who is stated to be one of my own dependants, with a wasteful and improvident commission. It will be found that this business did not originate with me. The necessity for laying up a depôt of provisions and stores in the garrison of Fort William, that we might be prepared for a siege, was, as I recollect, strongly urged both by General Clavering and Mr. Francis; and a degree of neglect imputed to me for not having provided against such an emergency. The measure was afterwards, on a minute which I delivered, considered in Council, and upon the resolution of the Board, that such a depôt should be formed, the opinion of merchants was required upon the quantum of commission adequate to an agent for his trouble, charges, and loss, by wastage and decay in keeping up the store from year to year in constant good condition. The merchants declared that twenty per cent. was the least compensation that could be allowed. I proposed Mr. Belli for the agency, and upon examining the accounts of a former service of this kind executed in the Government of my predecessor, Mr. Cartier, which were called for to assist us in our determination, I found that the Company had sustained a real loss upon the resale of those stores. at the end of two years, of ninety per cent. No agent would undertake a service by which he was to be a loser: his profits ought to be proportioned to the nature and importance of the thing required. He might be a loser by accepting the least possible commission, or, which is worse, a failure of his duty might be dangerous to the safety of our possessions. I trust your Lordships will not think the commission of thirty per cent. per annum, which I proposed for the agent to answer all charges and losses by wastage and decay in the changing of stores, from time to time as they required it, was an immoderate allowance for the due performance of so important a duty. That I was not improvident in granting it, will appear from Mr. Belli's own accounts, delivered in evidence to your Lordships. There has been some doubt thrown upon them by the Manager who summed up this charge; but Mr. Belli is in England, and can verify them. I shall close this subject with remarking, that since my return to England both the Court of Directors and my Successor in the Government have expressed their strongest approbation of his integrity in this business.

"I will

" I will not detain your Lordſhips by adverting, for any length, to the ſtory told by the Manager who opened the general charges relative to the horrid cruelties practiſed on the natives of Dhee Jumla by Deby Sing. It will be ſufficient to ſay, that the Manager never ventured to introduce this ſtory in the form of a charge, though preſſed and urged to do ſo, in the ſtrongeſt poſſible terms, both in and out of Parliament.—Mr. Paterſon, on whoſe authority he relied for the truth of his aſſertions, and with whom, he ſaid, he wiſhed to go down to poſterity, has had the generoſity to write to my attorney in Calcutta for my information, " that he felt the " ſincereſt concern to find his reports turned to my diſadvan- " tage, as I acted as might be expected from a man of huma- " nity throughout all the tranſactions in which Deby Sing " was concerned."—Had the cruelties which the Manager ſtated been really inflicted, it was not poſſible, as he very well knew at the time, to impute them, even by any kind of forced conſtruction, to me.—My Lords, it is a fact that I was the firſt perſon to give Mr. Paterſon an ill opinion of Deby Sing, whoſe conduct upon former occaſions had left an unfavourable, and perhaps an unjuſt, impreſſion upon my mind. In employing Deby Sing I certainly yielded up my opinion to Mr. Anderſon and Mr. Shore, who had better opportunities of knowing him than I could have. In the courſe of the inquiry into his conduct he received neither favour nor countenance from me, nor from any Member of the Board. That inquiry was carried on principally when I was at Lucknow, and was not completed during my Government, though it was commenced and continued with every poſſible ſolemnity, and with the ſinceſt deſire, on my part, and on the part of my colleagues, to do ſtrict and impartial juſtice.—The reſult I have read in England; and it certainly appears, that though the man was not entirely innocent, the extent of his guilt bore no ſort of proportion to the magnitude of the charges againſt him. In particular, it is proved that the moſt horrible of thoſe horrible acts, ſo artfully detailed, and with ſuch effect, in this place, never were committed at all.

" Here I leave the ſubject, convinced that every one of your Lordſhips muſt feel for the unparallelled injuſtice that was done to me by the introduction and propagation of that atrocious calumny.

" My Lords, I will not now detain your Lordſhips by offering many remarks upon the groſs injuſtice that I alſo ſuſtained in having been compelled to appear at your Lordſhips' bar to juſtify acts which have received the repeated approbation of the King's Miniſters, and virtually of the late Houſe of Commons.—My Lords, it is perfectly true that the articles to which I allude are not inſiſted upon, or, in other

 words;

words, they are abandoned. But I feel the injury most sensibly, and the expence of defending myself against them has been intolerable.

"The King's Ministers, as Members of Parliament, voted to impeach me for accepting a delegation to Oude, and for forming an arrangement with the Nabob Vizier, which subsists at the present moment.

"*Mr. Fox.* My Lords, I am sure I should be very unwilling to do any thing to interrupt a person in the situation of the defendant; but I think you cannot permit him to state how a Member of Parliament voted, because the defendant cannot possibly know the fact.

"*Lord Kenyon.* The person accused at the bar will certainly meet the wishes of this House, and of the Managers also, in replying to the allegations that have been opened against him, by avoiding, if he can, the use of names, though it is certainly competent to him, if he thinks it for his advantage, to point out any inconsistency or injustice in the conduct of his prosecutors.

"*Mr. Hastings.* My Lords, I beseech you to recollect the very great tenderness I have used when I have been speaking of the most atrocious actions that have been committed against me: it is not my intention to accuse any body; but if any fact necessary to my defence should, in stating that defence, necessarily involve the crimination of others, I do not mean to criminate them—but the consequence is inevitable, it is not my fault.

"*Mr. Fox.* My Lords, the nature of my objection is this:—I do not object to any language the prisoner may use, of any kind whatever, in his situation; but having stated that the King's Ministers have so voted in the House of Commons, I think that is a fact that he cannot bring evidence of, and consequently it is impossible for us to answer in reply.—I think it is impossible he can know how a Minister has voted in the House of Commons.

"*Mr. Hastings.* My Lords, may I, without disrespect to the Managers, say, that I use only a licence for which I have their example: they have done so on many occasions. I never interrupted them, nor did my Counsel interrupt them, when they were making their long speeches against me. I throw myself on your Lordships' protection, and I beseech you to protect me against this violence.

"*Mr. Burke.* My Lords, we offer no violence: the Managers of the House of Commons offer no violence to the prisoner at your Lordships' bar.

"*Lord Kenyon.* If the defendant is guilty of any impropriety, he may correct himself.

"*Mr.*

" *Mr. Law.* I wish to recall to the honourable Managers' consideration——

" *Lords.* Go on, go on.

" *Mr. Hastings.* My Lords, I really lay under a great disadvantage. If what I have said is wrong, punish me for it; but I beseech you do not let me be interrupted. I cannot speak from the sudden impulse of my own mind—I am not accustomed to it. I have written down what I wish to read; and I call God to witness that I did it with a due regard to the reverence due to this honourable Court.

" *Lords.* Go on, go on.

" Mr. Hastings then proceeded as follows:

" I say, my Lords, in four separate letters the King's Ministers approved of what I had done, though they voted to impeach me for doing it. They ordered my arrangement to be invariably adhered to; they approved, as they declare themselves, of the principles on which it was formed; and the Minister for India has taken credit every year for the subsidy procured by that arrangement, which is paid monthly with the punctuality of a Bank dividend. They voted also to impeach me for having ruined, oppressed, and destroyed the natives of Bengal, although in the first stage of the business they opposed the revenue article, which contains these allegations, and although the falsehood of the charge must be apparent to every man who is not prepared to prove that the Minister for India has annually presented false accounts to the House of Commons. Both cannot be true.

" In the few words that I had the honour to address your Lordships on Monday, I assured you that I should never make a defence for my conduct on the plea of necessity, although the Managers for the Commons have taken so much pains to refute that plea.

" According to my construction of the law, it was not criminal to receive presents with a solemn determination in my own mind to appropriate every rupee so received to the public service, and to that public service was every rupee applied with the utmost fidelity. I thought it perfectly consistent with justice to levy a fine of forty or fifty lacks of rupees from Cheyt Sing for his contumacy. I conceived it strictly justifiable, upon the information that I had received of the Begum's disaffection, to consent to the resumption of her jagheers, and of the treasure in her possession. That I had information of her disaffection before me is clearly in evidence; and if I could have been favoured with a few days attention in this place, I could have established that fact by irresistible proof.

" But my Lords, does it cease to be material to establish the necessity, or is it to be said that the necessity did not exist

at all, because I am of opinion that I broke no law in accepting presents, and did not degrade my own character, nor the British name, by my conduct to Cheyt Sing or the Begum?

" My opinion of our necessities may be collected from the following passage in my narrative of the insurrection in Benares:

" I left Calcutta impressed with the belief that extraor-
" dinary means were necessary, and those exerted with a
" strong hand to preserve the Company's interests from sink-
" ing under the accumulated weight that oppressed them. I
" saw a political necessity for curbing the overgrown power
" of a great member of their dominion, and making it con-
" tribute to the relief of their pressing exigencies. If I erred,
" my error was prompted by an excess of zeal for their in-
" terests operating with too strong a bias upon my judge-
" ment."

" Of what nature those necessities were I will now state; and I believe the proofs of them were upon the table of the House of Commons when those necessities were denied to have had existence, and when my impeachment was voted.

" I left Calcutta in July, and signed the treaty of Chunar on the 18th of September, 1781.

" We had at that period borrowed as much money upon bonds as we could borrow, for the bonds bore a considerable discount. Every letter received from Madras between November, 1780, and September, 1781, contained the most pressing applications for money and provisions. These letters are upon record, although not before your Lordships; and I am in possession of private letters written to me by the Governor of Madras in that period, in duplicate and triplicate, most earnestly pressing me to save them from sinking, by sending them ample supplies of money and provisions. Sir Eyre Coote depended upon me for seven lacks of rupees a month, for the pay of the armies in the Carnatic. The most pressing applications for money were received from Bombay, and from General Goddard, who commanded the army in Guzzerat; and very heavy bills were drawn upon the Government of Bengal in the first months of the year 1781. The troops in Oude and in Bengal were many months in arrear. Colonel Muir's army, in the province of Malwa, and Major Popham's, at Benares, were considerably in arrears. A French fleet had appeared off Fort St. George in February, 1781; was expected to return in the ensuing season, and did actually come upon the coast of Coromandel in April, 1782.

" Sir John Macpherson, who landed in Calcutta in October, 1781, has truly described our situation at that moment.

" An

" An empty treafury, and every refource for raifing money fo completely exhaufted, that it was with the utmoft difficulty the Government could raife a loan for a remittance of eight or ten lacks, which he had folemnly pledged himfelf to make to Sir Eyre Coote, whom he had left at Madras in September in the greateft diftrefs for money.

" It is in evidence that Colonel Muir, after the feparate peace which I concluded with Madajee Sindia, could not recrofs the Jumna until he received a fupply from Fyzabad in February, 1782.

" The fact, my Lords, is known and acknowledged by every man who ferved during the late war in India, that our poffeffions there were preferved only by the extraordinary refources procured by me in confequence of the treaty of Chunar.

" Such was the diftrefs of the troops in Oude, and in the Mahratta country, that the officers fold their plate for the temporary relief of their fepoys, as they did alfo upon the coaft.

" But if with the fum of one hundred and thirty-eight lacks of rupees, which I procured in Oude from September, 1781, to September, 1782, and a very large fum received in the next year, we found it difficult to maintain our armies, what muft have been the confequence, had I not formed fuch a beneficial arrangement with the Nabob Vizier? And your Lordfhips will believe that I felt the full force of our fituation when I concluded the treaty of Chunar. I had not then, I have not now, the fmalleft doubt that the Begum had afforded military affiftance to Cheyt Sing. Circumftances have been brought to my recollection fince the trial commenced which had efcaped me before; and thefe are confirmed to me by evidence which I am fure your Lordfhips would deem decifive upon the fubject, had I been allowed a few days to lay it before you.

" My Lords, you are now better enabled to judge of the difficulties which I had to encounter in the laft war, than I did fuppofe it within poffibility for your Lordfhips to be, when this trial commenced.

" Your Lordfhips will feel for the wants under which I laboured when I had to contend, at one time, with all the powers of India, combined with the French and the Dutch, becaufe your Lordfhips have proofs before you in the Council Chamber of Parliament that the refources of India are now utterly inadequate to the fupport of a war againft one native power who is unaffifted by any European ally. We are in alliance with all the Mahratta Chiefs, and with the Soobadar of Decan, who were in the former war confederated againft us. The Government of Bengal, when this war commenced, was

was free from foreign and domestic embarrassments. The Nabob Vizier had completely liquidated his debt, and his subsidy was paid with the utmost punctuality. Benares afforded the full revenue, which I am impeached for having procured. The salt, the opium, and the land revenues of Bengal, added to the subsidy from Oude and the Benares collections, produced annually to the Company nearly five millions four hundred thousand pounds.

"But, my Lords, so inadequate have these resources proved, with the addition of the revenues of Fort St. George and Bombay, that since the commencement of the present war a very considerable sum in specie has been transmitted from England to India; money has been borrowed to the utmost extent of their credit at Bengal, Fort St. George, and Bombay, at a high interest; and Hyder Beg Khan, whom your Lordships have heard of so often, has assisted Lord Cornwallis with a loan of twenty-two lacks of rupees—I mention these circumstances to your Lordships to prove that the resources of India cannot, in time of war, meet the expences of India.

"Your Lordships know that I could not, and Lord Cornwallis cannot do, what every Minister of England has done since the revolution. I could not borrow to the utmost extent of my wants during the late war, and tax posterity to pay the interest of my loans. The resources to be obtained by loans, those excepted for which bills upon the Company were granted, failed early in my Administration, and will fail much earlier in Lord Cornwallis's, not from want of confidence in that noble Lord, but because the surplus resources of Bengal have not been employed in liquidating the debt contracted in Bengal during the late war.

"Allow me, my Lords, to call again to your Lordships' recollection the many and the unprecedented difficulties with which I had to contend during the late war, in India. Every measure of my Administration was calculated to relieve the public exigencies; nor can any man in England point out other means than those which I employed, by which the public necessities could have been relieved; yet I have been four years impeached before your Lordships for the several acts by which I preserved what the India Minister has called, in the House of Commons, the brightest jewel in the British Crown!

"I have now gone through the examination both of the general and specific crimes which have been laid to my charge. I have endeavoured to develope the great and commanding points of every distinct article, from those which are either immaterial in themselves, or which depended for their rectitude, or criminality, on the former.

" In this work I have in effect undertaken to reduce the compiled mass of seven folio volumes into the compass of a few pages, a labour requiring months of leisure to execute it as it ought to be, and a length of time proportioned, not to the extent of the work, but to the degree of its abbreviation.

" I have urged all that in this view of the subject was, in my judgement and recollection, necessary to the elucidation of it: but it is hardly possible that something may not have been omitted, which would have rendered it more complete; something the want of which may yet leave doubts on your Lordships' minds respecting parts of my conduct, detached from the general tenor of it. For this, and for other deficiencies in this address, I have to beg your Lordships' candour, and to plead the disadvantage of the restricted and inadequate time, and the infirm state of body, under which I have arranged it.

" I most reluctantly press upon your Lordships' time, and shall hasten to conclude with a few general observations upon the nature of this impeachment, as it relates to those principles which constitute the moral qualities and characters of all mankind.

" If the tenor of a man's life has been invariably marked with a disposition to guilt, it will be a strong presumption against him, in any alledged instance, that he was guilty.

" If, on the contrary, the whole tenor of a man's life was such as to have obtained for him the universal good will of all with whom he had any intercourse in the interested concerns of life, the presumption will be as well grounded, that he was innocent of any particular wrong imputed to him, especially if those who are the alledged sufferers by that wrong, make no complaint against him.

" But what shall be said of complaints brought against a man, who was in trust for the interests of the greatest commercial body in the world; who employed and directed the services of thousands of his fellow citizens in great official departments, and in extensive military operations; who connected Princes and States by alliances with his parent kingdoms, and on whose rule the peace and happiness of many millions depended; I say, what shall be said of complaints brought against such a man, in the names and on the behalf of all those descriptions of men, who all unite their suffrages in his fovour? Such complaints, with such a presumption against the possibility of their truth, may have existed, but the history of mankind, cannot produce an instance of their being received on such a foundation, until the late and present House of Commons thought fit to create one in my impeachment.

" Permit

"Permit me, my Lords, to retrace the principal events in the public life of that man, whom the Commons have thus brought, and have kept so long, in trial before you. With the year 1750, I entered the service of the East-India Company, and from that service I have derived all my official habits, and all the knowledge which I possess, and all the principles which were to regulate my conduct in it. If those principles were wrong, or if in the observance of them I have erred, great allowance ought to be made for human infirmity, where I possessed such inadequate means of obtaining a better guidance. Yet the precautions which I invariably used, render even this plea unnecessary, by the references which I made to the Court of Directors, my immediate masters, of every measure which I have undertaken, with its motives and objects minutely explained and detailed.

"For the truth of this assertion I might safely appeal to them, and I am sure that they would attest it; and the volumes both of consultations and letters in their possession, prove that my share of the compilation exceeds, beyond all degrees of comparison, that of the most laborious of my predecessors, not excepting even my ever honoured friend, Mr. Henry Vansittart.

"Nor was it to them only that I was thus communicative. When Great Britain was involved in a complicated war, and their Governments in India had, besides European enemies, a confederacy of all the principal powers of India armed against them, I gave the then Minister of this kingdom constant information of all the measures which I had taken, in conjunction with my colleagues in the Government, to repel the dangers which pressed us; the motives and objects of those measures; the consequences expected from them; and the measures I had farther in contemplation; and it has since afforded me more than common pleasure to reflect, that every successive letter verified the expectations and the promises of the preceding.

"If I had given evidence in my defence, I should have called upon the noble Lord to produce all my letters in his possession. Those, and my letters to the Court of Directors, but my letters to Lord North, in a most striking manner, would have shewn how careful I was to expose all my actions to their knowledge, and consequently how little apprehension I could have felt that there was any thing in them that could be deemed reprehensible. In all instances, which might have been deemed of a doubtful nature, these communications were virtual references for their sanction, or for their future prohibition. If I received neither, their silence was a confirmation, and had more than the effect of an order, since, with their tacit approbation of them, I had imposed upon

upon myself the prior obligation of my own conception of their propriety. Were I, therefore, for a moment, to suppose that the acts with which I am charged, and which I so communicated, (for I communicated all to the Court of Directors) were intrinsically wrong, yet from such proofs it is evident that I thought them right; and therefore the worst that could be said of them, as they could affect me, is, that they were errors of judgement; and even for these, in all instances where they were repeated, or the causes of subsequent acts, deriving the same quality from them, the error, and every blame which could attach to them, was theirs, who might have corrected them, and did not.

" In the year 1768, I was appointed by the Court of Directors of the East-India Company, a Member of the Council, and eventually to succeed to the Government of Madras.

" In the year 1771, when the affairs of their principal establishment were supposed to be on the decline, and to require an unusual exertion of abilities and integrity to retrieve them, the Court of Directors made choice of me for that trust: and I was by their order removed from the Council of Fort St. George, to the Government of Fort William in Bengal and to the principal direction of all the civil, military, commercial, and political affairs, dependant on it.

" In the year 1773 I was appointed by an act of Parliament, Governor General of Bengal, for five years.

" In the year 1778 I was re-appointed by the same authority for one; in 1779 for another; in 1781 for ten years; and in 1784 I was virtually confirmed by that act which forms the present Government for India.

" In this long period of thirteen years, and under so many successive appointments, I beg leave to call to the recollection of your Lordships, that whilst Great Britain lost one half of its empire, and doubled its public debt, that Government over which I presided, was not only preserved entire, but increased in population, wealth, agriculture, and commerce; and although your Lordships have been told by the House of Commons, that my measures have disgraced and degraded the British character in India, I appeal to the general sense of mankind, to confirm what I am now going to say, that the British name and character never stood higher, or were more respected in India, than when I left it.

" So much may I say for the general effect of my Government. For the specific acts which have contributed to produce it, it would require volumes to recite them Shortly permit me to enumerate the principal heads which comprehend them.

" Every division of official business, and every department f Government, which now exists in Bengal, with only such

 excep-

exceptions as have been occasioned by the changes of authority enacted from home, are of my formation.

" The establishment formed for the Administration of the revenue, the institution of the Courts of civil and criminal justice in the province of Bengal, and its immediate dependencies; the form of Government established for the province of Benares, with all its dependent branches of revenue, commerce, judicature, and military defence; the arrangements created for the subsidy and defence of the province of Oude, every other political connection and alliance of the Government of Bengal, were created by me, and subsist unchanged, or if changed, changed only, to use the words of my noble and virtuous successor, applied to the principles of my arrangements in the province of Oude, " with a view to " strengthen their principles, and render them permanent."

" Two great sources of revenue, opium and salt, were of my creation; the first, which I am accused for not having made more productive, amounts at this time yearly to the nett income of 120,000l. the last (and all my colleagues in the Council refused to share with me in the responsibility, attendant upon a new system) to the yearly nett income of above 800,000l.

" To sum up all; I maintained the provinces of my immediate Administration in a state of peace, plenty, and security, when every other Member of the British empire was involved in external wars, or civil tumult.

" In a dreadful season of famine, which visited all the neighbouring states of India, during three successive years, I repressed it in its approach to the countries of the British dominion, and by timely and continued regulations, prevented its return; an act little known in England, because it wanted the positive effects which alone could give it a visible communication, but proved by the grateful acknowledgements of those who would have been the only sufferers by such a scourge, who remembering the effects of a former infliction of this dreadful calamity, (in 1770), have made their sense of the obligation which they owe to me for this blessing, a very principal subject of many of the testimonials, transmitted by the inhabiants of Bengal, Bahar, and Benares.

" And lastly, I raised the collective annual income of the Company's possessions under my Administration from three to five millions sterling, not of temporary and forced exaction, but of an easy, continued, and still existing production, the surest evidence of a good Government, improving agriculture, and increased population.

" To the Commons of England, in whose name I am arraigned, for desolating the provinces of their dominion in India, I dare to reply, that they are, and their representatives annually

annually persist in telling them so, the most flourishing of all the states of India—It was I who made them so.

"The valour of others acquired, I enlarged, and gave shape and consistency to the dominion which you hold there; I preserved it: I sent forth its armies with an effectual, but œconomical hand, through unknown and hostile regions, to the support of your other possessions, to the retrieval of one from degradation and dishonour; and of the other, from utter loss and subjection. I maintained the wars which were of your formation, or that of others, not of mine. I won one member of the great Indian confederacy from it by an act of seasonable restitution; with another, I maintained a secret intercourse, and converted him into a friend. A third I drew off by diversion and negotiation, and employed him as the instrument of peace. When you cried out for peace, and your cries were heard by those who were the object of it, I resisted this, and every other species of counteraction, by rising in my demands; and accomplished a peace, a lasting, and I hope everlasting one, with one great state; and I at least afforded the efficient means by which a peace, if not so durable, more seasonable at least, was accomplished with another.

"I gave you all, and you have rewarded me with confiscation, disgrace, and a life of impeachment.

"One word more, my Lords, and I have done. It has been the fashion in the course of this trial, sometimes to represent the natives of India as the most virtuous, and sometimes as the most profligate of mankind. I attest their virtue, and offer this unanswerable proof of it.

"When I was arraigned before your Lordships in the names of the Commons of Great Britain, for sacrificing their honour by acts of injustice, oppression, cruelty, and rapacity, committed upon the Princes, nobles, and commonalty, of Hindostan, the natives of India of all ranks came forward unsolicited to clear my reputation from the obloquy with which it was loaded. They manifested a generosity, of which we have no example in the European world: their conduct was the effect of their sense of gratitude for the benefits they had received during my Administration.

"My Lords, I wish I had received the same justice from my country.

"The testimonials of the natives of India were sent to the Government of Bengal, authenticated by the various official channels, through which they passed; by the Government of Bengal to the Court of Directors, with their translations; and copies of the latter by the Court of Directors to the late House of Commons, on whose journals they still remain.

"To these let me add, the address of my fellow citizens inhabiting the town of Calcutta, presented on the day on which I left them to return to England, and of the British officers in India, written and sent after me, many months after I had left it. Authenticated copies of these too were read in the House of Commons, and while I have life, I will gratefully preserve the originals, as the most honourable testimony of a life well spent, and of a trust faithfully discharged; because bestowed by those who had the nearest, and consequently the surest, means of knowing it.

"My Lords, I am aware of the promptitude with which my accusers will seize on this exposition of my merits and services, to construe them (to use the phrase which they have already applied to them) a set-off against confessed offences.

"I disclaim and protest against this use of them. If I am guilty of the offences laid to my charge, let me be convicted, and let my punishment be such as those offences shall deserve.

"No, my Lords; I have troubled you with this long recital, not as an extenuation of the crimes which have been imputed to me, but as an argument of the impossibility of my having committed them.

"My Lords, when I solicited your indulgence for this day's hearing, I did it under a belief, that there would be ample time in this session for your Lordships to give judgement. Without that belief I should not have urged the request which I made on Monday last. I assure your Lordships, that there is no object upon earth so near my heart as that of an immediate determination of this tedious prosecution. I am so confident of my own innocence, and have such perfect reliance upon the honour of your Lordships, that I am not afraid to submit to judgement upon the evidence which has been adduced on the part of the prosecution.

"My Lords, it is impossible for me to know the limits of the present session of Parliament; and under this uncertainty, I can only say, that if there be sufficient time for your Lordships to come to a final judgement before the prorogation of it, then I most chearfully and willingly rest the cause where it now stands.

"I am above all things desirous that your Lordships should come to an immediate decision upon the evidence before you. But if the shortness of time should prevent your Lordships from complying with this my earnest desire, and the trial must of necessity, and to my unspeakable sorrow, be prolonged to another session, then, my Lords, I trust you will not consider me, by any thing I have said, as precluded from adopting

ing ſuch means of defence as my Counſel may judge moſt adviſeable for my intereſt."

Their Lordſhips then went back in the cuſtomary order to the Houſe of Lords, and the Speaker having taken the woolſack,

It was moved, "That this Houſe will proceed farther on "the trial of Warren Haſtings, Eſq. on the firſt Tueſday in "the next ſeſſion of Parliament."

The Houſe adjourned.

Monday, 6th June.

This day, eighty-nine public and private bills, among which were, the Duke of Clarence's Annuity bill, the Conſolidated Fund bill, the Exchequer bills, (Armament); the Exchequer Loan bill, the farther Exchequer Loan bill, the Lottery bill, the Tobacco Ships Mooring bill, the Keels re-admeaſurement bill, the Bills of Exchange and Receipt bill, the Crapes and Tiffanies bill, the Goatſkins bill, the Wine Licence Officers bill, the Sealſkins bill, the Expiring Laws bill, the farther Expiring Laws bill, the Saltpetre bill, the Weſt-India and American Trade bill, the Sierra Leone bill, and the Neath Navigation bill, received the Royal aſſent by commiſſion. The Lords Commiſſioners who ſat in their robes, were, the Archbiſhop of Canterbury, the Lord Chancellor, and Lord Grenville.

The Houſe adjourned.

Tueſday, 7th June.

On the third reading of the Roman Catholic bill,

The Lord Chancellor objected to that clauſe which contained the certificate, or oath; and was replied to by Earl Stanhope. The clauſe then paſſed.

The next clauſe debated was, that allowing Roman Catholics to practiſe at the bar, which was oppoſed by the Lord Chancellor, and ſupported by Lord Loughborough, Lord Rawdon, and others.

The Houſe divided upon the queſtion, that this clauſe ſtand part of the bill, when the numbers were,

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The Houſe being agreed upon the remaining clauſes, the bill was read a third time.

Counſel were called to the bar, on the ſecond reading of the Birmingham and Worceſter Canal bill; and having finiſhed their pleadings, a debate enſued, wherein Lord Coventry, Lord Rawdon, Lord Bagot, Lord Hawke, and other Lords, took a ſhare;

ſhare; and the Houſe divided on the motion, That the bill be read a ſecond time, when the numbers appeared,

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The bill was then read a ſecond time; after which a long and deſultory converſation took place upon a petition preſented by Lord Bagot, praying that the petitioners might be heard by their Counſel, in the Committee, againſt the bill.

The Lord Chancellor, Lords Bagot, Coventry, Rawdon, Mulgrave, Stormont, and Cathcart, were the principal ſpeakers; and it was agreed, that the petition ſhould be referred to the Committee, and Counſel heard on the allegations contained in it.

The Houſe adjourned.

Wedneſday, 8th June.

Earl Stanhope moved the order of the day for the ſecond reading of the bill for removing doubts reſpecting the rights and functions of juries in criminal caſes.

Ld. Chancellor. The *Lord Chancellor* left the woolſack, and ſaid, the only objection he had to the bill was, that the purpoſe of thoſe who had introduced the bill, was not anſwered by it as fully as they wiſhed; but when he conſidered the preſent ſtate of the ſeſſion, the magnitude and importance of the bill, the circumſtance of the law of libels having been ſettled and fixed for ſo many centuries, and of there being an intention to make an alteration in that law, he conceived it to be a ſubject deſerving much more attention and much more deliberation than their Lordſhips could poſſibly beſtow on it in the courſe of the preſent ſeſſion; and therefore, his Lordſhip ſaid, although the bill in its principle met with the concurrence of all thoſe noble and learned friends, with whom he had converſed on the ſubject, he ſhould only move, "That the bill, inſtead of being read a ſecond time "then, ſhould be read a ſecond time that day month."

Earl Stanhope. Earl *Stanhope* ſaid, he was greatly aſtoniſhed that the noble and learned Lord ſhould make ſuch a motion, without having ſtated a ſingle objection, a ſingle doubt, or any one reaſon for his moving to put off the bill for a month; which was, in fact, nothing elſe but, in other words, to negative it. The noble Earl obſerved, that if he knew the learned Lord was a friend to the bill, or to the principle of it, or if the noble and learned Lord had alledged a reaſon why he wiſhed it to be put off till that day month, he ſhould have ſeen it put off with much leſs

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dissatisfaction; but without adducing one argument, one reason, to move to postpone one of the most important bills to this country, inasmuch as the liberty of the press, and the rights of juries, were concerned, was to him matter of perfect astonishment.

Their Lordships, he said, must protect the people of this country from such arrogance, and such usurpation, as had been frequently exercised by Judges in their conduct towards juries, in the directions which they had presumed to give them. In saying this, his Lordship begged it to be understood that he was not speaking of the conduct of the present Judges; he did not mean to censure them, because they had thought it their duty to follow certain precedents: he was, his Lordship declared, speaking of the persons who had set those precedents in former ages and in former times; he did not blame the present Judges for following precedent, though, were he a Judge, he should not, he said, think himself bound to follow precedents which appeared to him to be unjust and profligate. The honourable and learned gentleman (Mr. Erskine) who had seconded this bill in another place, had not, his Lordship observed, hesitated to state, that if he had been a Judge, he should have thought himself bound to decide as the present Judges had done in the case of libels.

The question, his Lordship said, was neither more nor less than this, whether they were to have any trial by jury, or whether they were to have a jurisdiction as detestable as the Star Chamber itself? To assert, that it was sufficient for the jury to find the fact of publication, and the sense of the thing published, and that they should not decide the law, the criminal intention, was to destroy trial by jury, root and branch.

Four points, his Lordship observed, ought to be decided by the jury; 1. The fact of the publication. 2. The sense of the thing published. 3. The law which made it criminal, for there was nothing criminal, if no law was against it. 4. Whether the act done, was done with a criminal intention? He should, his Lordship said, give one instance, and one would be as good as ten thousand. Suppose, said his Lordship, a man were bound neck and heels, and a person were to pour down his throat any liquor of an intoxicating quality, and that a seditious paper were put into the man's hands, and by him distributed throughout the country; that paper might be a seditious libel, but, inasmuch as there was no criminal intention in this man's conduct, no one, his Lordship presumed, would say there was any guilt. His Lordship said, he gave this instance, in order to shew that a criminal intention must be proved.

Criminal intention, he observed, consisted of two parts; 1. The intention of publishing a thing, and 2. The criminality of the thing published. It was necessary that those two things should be united, in order to constitute criminal intention; it

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was necessary that a thing should be published, and that that thing, so published, should be criminal. It appeared to his Lordship, that the leaving these things to be decided by the jury was what constituted the difference between this country now, and at the period when it was governed by the Star Chamber; it was that which made the difference between this country and those countries where tyranny was exercised, and despotism prevailed. If, then, the noble Earl said, the bill before their Lordships were fit to be rejected, the learned Lord ought to have stated his objections, and assigned his reasons; but he had done neither; and till reasons were stated, his Lordship declared, he should say no more on the subject.

The Lord Chancellor then put the question on his own motion.

Lord Camden.

Lord *Camden* said, he understood that it was the wish and desire of some of the friends of the bill now before the House, that it should stand for farther consideration; and, in that point of view, he, as an individual, should not oppose such a desire.—But if he had any suspicion, that, by putting off the farther consideration of the bill for a month, it was intended to put off the bill, he should most certainly oppose that intention. He was a friend to this bill in its principle, because it tended to remove doubts that some persons had entertained of the rights of juries in cases of libels. Not because it tended to alter the law of the land, the law of the land would, after the passing of this bill, stand just where it did before the bringing of it in, and then, said his Lordship,—

"If twenty-four Judges were to declare that juries have by the law of England no right to form their verdict on the whole case, law, fact, and intention; I will affirm, that they have that right, and that there is no power by the law of this country to prevent them from the exercise of that right, if they think fit to maintain it; and when they are pleased to acquit any defendant, their acquittal will stand good until the law of England is changed!"

What then would be the dispute, his Lordship asked, some would say, that the question was, what was, and what was not a seditious libel? Who were capable of judging of the seditious tendency? The jury ought to be, he said, and the jury were by the law of England, but although he had no doubt on this point, others had, and therefore it was necessary to remove these doubts. His Lordship said, he would not venture to say what had generally been the direction of Judges, but he knew what it ought to be. Some Judges had summed up, and given direction to the juries in this manner. "Gentlemen, if the publication is proved to your satisfaction, and the innuendoes apply to the subject as they profess to do, that is, if the words have the meaning ascribed to them in the indictment or information, then you must find the defendant guilty."—What!

What! the jury might anfwer, are we to find the defendant guilty, even although we are of opinion no tumult could be occafioned by the publication, or that none was intended by it? To which the Judge might reply, "Yes, you are." This he did not hefitate to fay, was a wrong direction, and a verdict fo obtained, was not the verdict of a jury!

But it might be faid, his Lordfhip continued, that difficulties often occurred to juries, and they might think themfelves inadequate to the tafk of forming a juft opinion on the tendency of a libel; or whether in law it would amount to any offence. For this they had a remedy, which would refcue them entirely from the imputation of impropriety; they might find a fpecial verdict. The meaning of which would be on the part of the jury, they might fay for themfelves, "In this cafe we know "not what the law is without help and affiftance: If the law "fays for the plaintiff, we find for the plaintiff: If the law "fays for the defendant, we find for the defendant." But this was only in cafes of extraordinary difficulty, and even here the Judge fhould interpofe nothing but his advice; if he attempted to controul them, there was an end of the trial by jury! Indeed, there was no legal power to controul them, or to prevent their giving a general verdict in all criminal cafes: for if it fhould even appear that their verdict was wrong, they were not liable to attaint in criminal cafes, although in civil cafes they were. "Thus," faid his Lordfhip, "ftands the law.-- "The right of juries, in cafes of libel, is free and entire, and "will remain fo, unlefs you mean to alter it. If you do, fay "fo, and bring in a bill, declaring that the fubjects of this realm "fhall not, in future, be tried by juries, but fhall be tried by "the Judges!"

Although he had no doubt, his Lordfhip faid, on this fubject himfelf, as to what was the law, yet as doubts had been entertained on the rights of juries, he thought this a very neceffary bill, in order that all doubt fhould be removed: for it was effential that juries in this country fhould not be under the fmalleft apprehenfion of reftraint. It was effential alfo, that the prefs fhould be free; for a well-conducted prefs was the greateft engine for the public fafety. By the prefs, the Public might be inftructed and taught who ought to be Minifters, and who ought not. By the prefs, the people might learn whom they ought to elect as Members of Parliament, and whom they ought to reject. All thefe things were effential to the public happinefs. As to the feditious tendency of any thing that might be called a libel, a jury only could be competent to decide. If the point of law was left to the Judges, fome of them might fay, that any thing was a libel that appeared to them to reflect on Government. If that fhould ever be the cafe, there was an end of the liberty of the prefs in England! It might as well at once be declared, that nothing fhould be publifhed but panegyrics on Government.

"My Lords," continued the noble Earl, "give to the jury "or to the Judge the right of trial of the subjects of this coun-"try; you must give it to one of them, and I think you can "have no difficulty which to prefer—place the press under the "power of the jury, where it ought to be."

His Lordship concluded with saying, he did not apprehend that the bill had a tendency to alter the law, but merely to remove doubts that ought never to have been entertained, and therefore the bill had his hearty concurrence: but as he was assured that the proposed delay was not hostile to the principle of the bill, but only to take it into serious consideration, and to bring it again forward, he had no objection to the motion of the Lord Chancellor.

Lord Hardwicke said a few words in favour of the bill, and hinted that he would rather pass the bill, imperfect as it might be, than postpone an object of so much importance.

Lord Loughborough. Lord *Loughborough* said, as it was probable that the close of the session would not admit of that due deliberation which the subject required, he readily concurred with the noble and learned Lord, who had expressed an opinion that it was not proper for their Lordships to proceed farther in it at present. In stating that proposition, his Lordship begged it not to be understood, in any respect whatever, that he meant to give a negative to the bill, or that his sentiments on the subject were not favourable to the passing of the bill, nor in any degree inauspicious to what he conceived to be the principle of the bill. But their Lordships, he said, would observe, that the bill, in profession, was a declaratory bill; it was not a bill to make that law, which was not supposed to be law, but to declare and explain what was understood to be, at that instant, the law of the land. Whatever discussion it had undergone in another place, and, his Lordship declared, that judging from the acknowledged talents of those who spoke upon the subject, he had no doubt but it had been ably and amply discussed; but whatever ingenuity had been displayed, and however great had been the candour, the information, and correctness of those who had conducted it in another place, his Lordship really thought that the subject had not yet been discussed with that deliberation that its importance required; and when there was an opportunity of taking the bill into consideration, that their Lordships would receive better information, than, from the state of the House of Commons, it was possible for that House to have received.

His Lordship said, that it had been taken for granted, in conversations in the House of Commons, that some Courts had adopted a line of direction so clear, so established, so legal, and concurred in by all the Judges, to such a degree, that a deviation from it, even by those who might be convinced in their consciences that it was wrong, must be held to be a deviation from the law of England. Now, he observed, such an opinion could

only be collected from a report of what passed in Court on a motion for a new trial, or from what passed at *nisi prius*. His Lordship begged leave to declare, that neither of these, nor both of them, were a safe foundation for determining any point to be the law of England. Their Lordships had the advantage of being attended by the learned Judges. Had it been possible to have entered into the subject then, it was his Lardship's intention to have moved for the attendance of the learned Judges, who would have delivered their sentiments, with regard to what the law of England was with respect to those directions. In his apprehension, nothing that passed in Court on a motion for a new trial, or at *nisi prius*, was a foundation of sufficient weight and authority for a precedent; it was not sufficient to say, that such a charge, or such a direction, was what the law required, and that there was no other agreeable to the law of the land. He was, he said, by no means averse to the principle of the bill; it was agreeable to what he conceived the law to be; it was agreeable to the direction which he had always given in cases of libels, and to what he should always give, till he was better informed. If the result of the opinion of the Judges should be, that the law of England was not according to the directions of the bill, then another consideration would occur, namely, whether the law ought or ought not to be altered. The law, his Lordship observed, should be well understood by those who took upon themselves to declare it. On these grounds, his Lordship was of opinion, they were at a period of the session when, consistently with the respect that was due to themselves, which was due to the subject, to the rights, and to the tranquillity of England, they could not proceed farther in the business; he therefore hoped their Lordships would proceed in it early in the next session of Parliament.

Lord *Grenville* rose to express his hearty concurrence in what had been stated by the noble and learned Lord who had just sat down. But at the same time that he did so, his Lordship declared he should be extremely sorry, if it should go forth into the world, that Administration were against the bill, or unfriendly to the rights of juries. The interests of Administration and the interests of the people were, he observed, one and the same; the object of both was good government; he should, therefore, be sorry, if it were conceived that the postponement expressed any thing like the sense of that House against the bill. When their Lordships considered the bill as a subject of very serious importance, and a matter which merited the most mature discussion, their Lordships would clearly see they could not at present determine the business to their satisfaction. He spoke, his Lordship said, in the presence of those who possessed the greatest experience and the greatest abilities; it belonged to them more than it did to him to give an opinion on this subject; Lord Grenville.

ject; he, however, should vote for the postponement of the bill.

In what had been given out to the world, as the idea of the principle of the bill, and as the object to be obtained by it, he declared he felt himself very much inclined to concur; but with respect to the means of obtaining that object, with respect to the particular framing of the bill, or of any enacting bill on the subject, and much more, with regard to declaring what the law was, his Lordship said, he could not help feeling, not only that he himself was not sufficiently informed, but that the weight, importance, and dignity of the subject, was a reason why their Lordships should not proceed without the assistance of those from whom a declaration of the existing law must come with much more weight ond authority, than from any other quarter. His Lordship thought a case might possibly arise, in which even those learned persons, perhaps, might state a declaration of law, in which their Lordships might be unwilling to concur; they might state a case, which their Lordships might not be willing to consider as being law. If their Lordships' opinion happened to be contrary to that of the learned Judges, their Lordships would doubtless employ a great deal of attention, deliberation, and examination on the subject, before they would declare to the whole country, that not to be law, which the Judges declared to be law. They would consider these two points: in the first place, in what manner the bill would affect other questions of law, in which the Judges might be called upon for their assistance; in the second place, they would be extremely cautious not to enact a future law in such a manner, in such terms, and in such forms, as might leave the question more difficult to be decided, and more liable to debate and altercation, than any existing law upon the subject. It was for these reasons, his Lordship said, that he must concur with those who were of opinion, that the consideration of the business ought to be postponed; declaring, at the same time, and wishing to be distinctly understood, that he did not postpone the bill because he felt himself hostile to what he conceived to be the general principle of it, but he wished to postpone it, because he was insufficiently informed; and least of all, did he postpone it, with the idea that no measure ought to be taken on the subject. On the contrary, he was, his Lordship declared, ready then to state, that he thought it of great importance, and of urgent and pressing necessity, that their Lordships and the Parliament should take some measure on the subject.

A great doubt, his Lordship said, unquestionably did prevail; that doubt ought to be settled, with a view to the interest which the Public had in both parts of the question, for it was idle to suppose that, in a subject of that sort, there was one interest in Government, and another in the People. Advantage should not be taken of that unquestionable principle by diffusing ill-

founded calumny and seditious papers; and on the other hand, it was the interest of Government to maintain a free constitution, as far as was consistent with the execution of the laws; it was therefore the interest of Government that there should be a full and free discussion of all public measures; a proper and decent discussion of all matters of public concern. Those, his Lordship observed, who enter into such discussions, ought to remember, that they did it under the security and protection which they received from the laws of their country.

There was nothing at present in the administration of justice, which could give the smallest ground of complaint on this subject. He would, his Lordship said, venture to affirm, that the officers of the Crown, whose duty it was to prosecute papers of a seditious sort, and the respectable Magistrates who dispensed the law, had for many years conducted themselves with the utmost propriety; and that there never was a period, in the history of this country, when the administration of justice, in that respect, had been not only more unexceptionable, but had been more mild and less excepted against. His Lordship concluded with saying, that in the future consideration of this business, their Lordships would have that assistance, without which they could not be sufficiently informed, and with which they would be enabled to settle the law for the advantage of the constitution of the country, and in a manner that would give satisfaction to the public mind.

Earl Fitzwilliam. Earl *Fitzwilliam* agreed with those noble Lords who thought they were then arrived at a period, in the present session, when it was not probable they would be able to go through with the bill in a way worthy of its importance; but it would ill become him to hold that idea, when, in the course of a few minutes, he was going to make a motion, the effect of which might be, that Parliament would be continued long enough to give them time to go through and finish, among other things, that very business. For this purpose, his Lordship said, he would move an amendment to the noble Lord's motion, that instead of the words "one month," there should be inserted "half an hour." The amendment was put and negatived.

Marquis of Lansdown. The Marquis of *Lansdown* said, he should have thought delay necessary, had the present bill required either extensive information or deep research. The present was not the first bill on the subject that had ever been introduced into Parliament: upwards of twenty years ago, a bill of the same nature was introduced, which was negatived merely on the ground that the law then stood exactly as the bill meant to establish it, and that therefore the bill was unnecessary. His Lordship said, he recollected that that bill created as great a ferment among the people as any bill ever brought, in his memory, before the public. The Marquis said, he well remembered the time when prosecutions of the press were frequent; when printers were brought

brought repeatedly in every ſeſſion to the bar of both houſes, but eſpecially of that Houſe, to be examined, re-examined, and committed; and when there paſſed ſcarcely a term without ſome proſecutions for libels in the Courts in Weſtminſter Hall.—— Thoſe proſecutions, he obſerved, had in a great degree ſubſided till a very late period, when they had re-commenced and ſhewn a tendency to get up again. Public animadverſion, however, had enjoyed and obtained its full ſcope. The Houſe of Commons itſelf was not in a ſtate to be exempt from animadverſion, and the public prints and the Public treated both Houſes of Parliament with more freedom than they formerly durſt treat an individual. Such an uſe of the preſs the Marquis thought highly juſtifiable, but it muſt be acknowledged, he ſaid, that the freedom of the preſs had been attended with numberleſs inconveniences. It was true, that a ſcandalous and ſhameful abuſe of the liberty we enjoyed had obtained: that it was abuſed even to licentiouſneſs. Even that very ex, which received protection in every country where a ſpark of virtue remained, was groſsly libelled in this. The beſt and moſt eminent, the noble, the beſt blood, and the moſt virtuous families in the kingdom, could not protect the characters of their wives, and daughters from the moſt ſcandalous reflections. Even the foreign negociations of the country ſuffered by it. His Lordſhip ſaid, he could cite chapter and verſe in ſupport of his aſſertion. To his certain knowledge, foreign negociations had more than once ſuffered materially from the ſcandalous licentiouſneſs of the preſs, from publications meddling with ſubjects, of which the authors had no ſort of knowledge, or, what was ten times worſe, who were ſet on by mercantile men, for mercantile purpoſes, or with worſe views, in order to influence ſuch negociations, and occaſion them to operate to their own private advantage.

He himſelf, the noble Marquis ſaid, had never condeſcended to commence a proſecution, or even to deſire a contradiction of thoſe ſcandalous reflections which had been poured upon him by the hirelings of both parties. The Public, his Lordſhip ſaid, judged of men from their actions; he was in no hurry to juſtify himſelf from the calumnies that had been poured forth againſt him perſonally for many years together; time would doubtleſs do juſtice to his motives. He had no particular object in view. Although he had never applied to any of the public prints, to get any report contradicted which had appeared againſt him, he had, the Marquis declared, once made an application to get a paragraph contradicted, which might have been of material conſequence to the affairs of a minor Peer, who was his ward. He did not, his Lordſhip ſaid, wiſh to name the particular paper, becauſe he did not wiſh to encounter ſo formidable an enemy as a newſpaper, but he aſſured their Lordſhips, that to ſuch a degree of inſolence and audacity was

the press arrived, that he was obliged to exert all his address and influence in order to get a notorious lie contradicted. Many things, his Lordship observed, were inserted in the newspapers for the purpose of mean intrigue, for the purpose of being read elsewhere, and reflecting upon the characters of their Governors and rulers.

Some remedy for this evil had long been wanted. His Lordship wished that liberty might be enjoyed in this country in its fullest extent. He declared, he never wished to see the liberty of the press curtailed, but only its licentiousness. He, for one, was a friend to the bill; it would, he thought, give them a distinct trial by jury. How, asked the Marquis, could it possibly be conceived that the subject of libels could be fairly tried, when disputes continually occurred between the Bench and the jury? The Judge often told the jury they had nothing to do with the law in the case of libels. In consequence of such altercations, personal feeling, and a contest for jurisdiction, were too frequently substituted in the place of important considerations, and the jury, in nine cases out of ten, lost sight of the cause altogether, and vindicated their own rights. Whenever a political libel was tried, the Marquis said, it equally became a dispute between the Judge and jury which of them had jurisdiction. That jurisdiction, he observed, could never be sufficient, which had not fulness of power, and which had not removed from it all prejudice. He declared he had no difficulty about this subject, he had once read a great deal upon it.

They had been told by a noble Lord that they ought to wait, in order to have an opportunity of comparing the analogy which there was between a libel and other cases. What possible analogy could there be between a libel and other cases, his Lordship asked, since it had been universally acknowledged that a libel was an anomale? There might be a distinction between murder and manslaughter; in civil cases, likewise, there might be a number of nice distinctions; but the case of libels lay out of the question, and in every such case, law and fact were but one thing; and where, in God's name, could it be so safely entrusted, as to twelve men? and how much better was it for the Judge to be freed from such a ticklish duty, in all cases of libel, whether it were a public or a private libel?

How proper was it, his Lordship said, for the Judge to address the jury in this manner: "Gentlemen, you will recollect "that men of the highest rank have been attacked; but in this "country rank makes no difference, as long as the feelings of "virtue are considered." If it was a private libel, the Judge would desire the jury to bring the case home to themselves, and would ask them how they should like to have their wives or their daughters abused in that manner? If the libel was of a political nature; and if a Secretary of State wanted to go on with such a political negociation, was there a jury who would hesitate

tate a single instant about it? Was there a jury, who would hesitate, if a lady of any foreign description was to be served, and a low abominable intrigue was to be carried on in a foreign country? Was there any idea of the smallest difficulty on this subject? Would the jury not perform their duty? Was it possible to entertain for a moment the smallest doubt on the subject? And how much nobler and better would it be for a Judge to act in this manner, than to be subject to the base aspersion that he was the instrument of a Minister, or the instrument of arbitrary power, to advance a party, and to get more for himself? What a base, what a dishonourable thing! Whether the aspersions were true or false, his Lordship knew it was not in human nature to avoid them.

He declared that he alluded to no man nor body of men in these observations. If the whole power were lodged in the jury, and if the prosecutor could expect no favour from the great man on the bench, a prosecution for a libel, instead of being accounted mean, would be considerable as honourable, when the greatest and first men in the country submitted themselves to the judgement of a jury. His Lordship said, he wished to do ample justice to Judges both past and present, although he might have differed from some of them in certain political opinions, and he was the more disposed to do that in their absence, as it could only be imagined that he did it from a perfect conviction and real consciousness of their high merit, their distinguished abilities, their profound knowledge, and from a consciousness that they were an honour to their friends and to their country.

If he had been totally unacquainted with these virtues, his Lordship said, there was a bill on the table sufficient to convince all mankind of the nobleness of mind of the author of it, (Lord Kenyon). The bill he alluded to, was a bill for abolishing the office of Clerk of the Assize. Their Lordships might know, that the 5th and 6th of Edward VI. prohibited the sale of any office, except by the two Chief Justices and Judges of Assize. It was well known, that when prisoners had nothing else to detain them, they were kept in jail for the fees which they were obliged to pay to Clerks of the Assize. This was fully explained in a book which was well worthy of their Lordships' perusal, Mr. Howard's book on jails. Prisoners very often, who had been honourably acquitted, when there was not the smallest suspicion of their guilt, instead of receiving an indemnification for the time they had been detained in jail, were obliged to pay large sums to the Clerks of Assize. Nay, so much were prisoners persecuted by such fees, that they were very often tempted to be found guilty, though conscious of their innocence, merely to avoid expences.

By the bill on the table, the noble and learned Lord had immortalized himself. Although this appeared to be an act of so

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much virtue, he was not sure that the House of Commons had not so modified and altered it, as, in a great measure, to have defeated the benevolent purpose of its noble author. The Marquis said, he hoped the same nobleness of mind would be carried a step farther, and get that clause in the statute of Edward the Sixth repealed, which excepted Chief Justices and Judges of Assize, and allured them to do that which the act stated to be base and scandalous in any other man. The bringing in of the bill respecting the office of Clerks of Assize, was an act of a single nature, and of a single kind. He knew, the noble Marquis said, the virtue, the disinterestedness, the honesty, and integrity of the noble Lord who had brought in that bill. Although he was not so much acquainted with the Chief Justice of the Common Pleas, yet from what he had long observed of his public character, and his public arguments, the very same observation was applicable to him. A learned Lord, who was then no more, and whose memory he deplored, (Lord Ashburton) had signified his intention, if ever he filled the situation of the noble Lord who had brought in the Assize bill, to move for a repeal of that villainous act of Parliament, to which he had alluded. The bringing in of such a bill, in his Lordship's opinion, was the noblest act of humanity that had been done these forty years.

His Lordship concluded with saying, that he wished to see the rights of juries completely established, and Judges at the same time would afford them the benefit of their wisdom and good sense, and would put themselves on a level, abandoning that abominable clause in that villainous act of Parliament, rendered so by that particular clause. He should not then be afraid to see them in that House, and should be the first to applaud them, and to look up to them with reverence, although his Lordship did not think that the profession in general were friendly to liberty, yet he was of opinion that profession could do more for it than any other class of men, from their weight, influence, and authority.

The Lord Chancellor then put the question on his motion, which was carried; in consequence of which, the bill stands over till the next session.

Earl *Fitzwilliam* now rose, and said, that nothing short of what he felt to be his indispensable duty, could have induced him to call the attention of their Lordships to a subject which had already come before them several times, though not altogether in the same shape in which he meant to offer a motion this night. For weeks, nay for months past, the country had been in the most anxious and alarming state of suspense, which was naturally heightened by that obstinacy and perseverance, in silent contempt, with which Ministers had treated both Houses of Parliament, upon every question that could have produced, by a fair and proper answer, either satisfaction or information to Earl Fitzwilliam.

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the country. With regard to a war with Ruſſia, whatever Miniſters might affect upon this ſubject, it was notorious, both within and without doors, that the voice of Parliament and the voice of the People was againſt it, and very wiſely againſt it. What, therefore, became the duty of their Lordſhips in a peculiar degree, was to interfere, as far as they could, to prevent it, and the only means left to them for that purpoſe now, was their undoubted right to offer their advice to His Majeſty upon the ſubject.

This, his Lordſhip ſaid, ſeemed to be particularly requiſite at the preſent moment, when an alarm had gone abroad, that Parliament was to be almoſt inſtantly prorogued, at a time when there was no certainty whether we were to be involved in war or not. This he thought an object of ſufficient magnitude for troubling their Lordſhips with the motion which he would have the honour to bring forward before he ſat down. Much delicacy had been expreſſed in former diſcuſſions on this ſubject, about interfering with the prerogatives of the Crown. He, for one, thought differently from many who had expreſſed themſelves in that way, although, at the ſame time, there was no noble Lord in the Houſe who could be more averſe to infringing or making any improper encroachment upon the Royal prerogative than he would.

The noble Earl ſaid he allowed, to the fulleſt extent, that the prerogatives of making peace and war, as well as thoſe of proroguing or diſſolving Parliament, were veſted in the Crown; but he would not allow that the firſt, that of making war, could be exerciſed without the conſent of Parliament; and he believed nobody would deny that Parliament alone could grant thoſe ſupplies which were neceſſary to carry on war. It therefore was their duty to watch every ſtep that was likely to involve the country in ſuch ruinous and deſtructive conſequences as a war with Ruſſia muſt occaſion; and this he declared to be his reaſon for calling upon their Lordſhips to offer, by an humble addreſs to His Majeſty, their opinions and advice, in ſuch a manner as was moſt conducive to the intereſts of the country, and the moſt likely to obtain in anſwer ſuch information as would enable them to ſay, whether the country was to remain longer under the happy influence and invaluable bleſſings of peace and tranquillity, which alone could ſecure and promote its proſperity; or whether, from the haughtineſs and overbearing inſolence and incapacity of an Adminiſtration, the country was to be plunged into an impolitic, unjuſt, bloody, and expenſive war. He was calling upon them, his Lordſhip ſaid, in that point of view, to exerciſe one of their beſt and moſt undoubted rights, and one which, in the proper exerciſe of it, gave them a power of doing ſervices to their country, more laſting and eſſential, if attended with the wiſhed-for effects, than perhaps any other right which they enjoyed. He ſaid, he would not go into

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a detail of the calamities and misfortunes to this kingdom that must attend a Russian war; they were sufficiently known to the country at large, and it was notorious that the people had in all parts of the nation expressed, in the most positive terms, their detestation of it; and the only thing that kept them so quiet as they had been, was, a hope, perhaps not too well founded, that the pending negociation would speedily end in the establishment of peace. In this situation of the country, then, was it a proper or a decent time to prorogue Parliament, especially when an answer to the last message, which we sent to the Courts of Berlin and Petersburgh, might be expected at farthest in the course of two or three weeks; he thought it certainly was not. After urging many different arguments in favour of his proposition, the noble Earl concluded by moving an address to the King; the purport of which was, to express to His Majesty the wishes of that House, that he would be graciously pleased not to prorogue this session of Parliament, until an answer arrives to the last message sent to Petersburgh, concerning the negociation now pending between Great Britain and the Empress of Russia.

Lord *Grenville*, in reply, said, there was no necessity for his going into any argument upon a question that had been so repeatedly discussed, and as often decided upon by their Lordships, that, pending a negociation, it was improper to interfere with the executive Government, or unnecessarily to impede the undoubted and universally-admitted prerogative of the King to declare war, to make peace, and carry on foreign negociations. The noble Earl had said nothing new, or that could induce the House to change their mind upon what they had already given their solemn decision. It was therefore sufficient for him to give his negative to the motion. Lord Grenville.

Lord *Stormont* said, that although he would not undertake to say any thing which the noble Secretary of State might think new or interesting, still he considered it as his duty to support the motion so ably brought forward by his noble friend. It sometimes happened, his Lordship said, that when Ministers declared they meant to say but little, that they said more than they meant to say. On a former occasion, the noble Secretary of State had declared, that if we went to war, it would be on principles of expediency, and not in consequence of any obligation of treaty. It appeared, therefore, evident, that the attempt to involve the country in war, was merely to gratify the ambition of the Minister. Abroad, his Lordship said, it was universally known, that we had not held so high a tone with Russia to oblige Prussia, or to further the views of the Court of Berlin; on the contrary, it was evident, that Prussia had been our instrument, and not our motive, to act hostilely towards Russia. Lord Stormont.

On the 28th of March, his Lordship said, it was well known, a messenger was dispatched to Berlin with a message to be conveyed from thence to Petersburgh, couched, as report said, in terms the most arrogant and imperative. From what passed in Parliament, the Minister thought it necessary to alter his tone, and hold a less assuming and less violent language. Another messenger was dispatched in haste to Berlin, and he happily arrived in time to recover the dispatch, which breathed nothing but menace and hostility. That dispatch was now lodged safe in the office of the Secretary of State, where he hoped it would ever remain a profound secret. But what a situation were we now in? The Minister had put the country to an enormous expence for an armament, under a pretence that it was to serve our ally the King of Prussia, and from the various publications from the Court of Berlin, it was clear that the King of Prussia might say to us, after all the preparations of the Minister—— "Was it at my desire that you put yourselves to so much expence? It was the British Minister's project and not mine." His Lordship expatiated on this, and said, he thought with his noble friend, the prorogation of Parliament of great importance; and that it was extremely adviseable to address His Majesty to suffer them to sit some few days longer; because if the present negociation should terminate in a war, Ministers could not then prevent Parliament from expressing a disapprobation of a measure so much disliked throughout the country, as a war with Russia undoubtedly would be. Mr. Faulkner, of whose abilities and dexterity his Lordship spoke highly, having occasion to know them when he was last in office, had been dispatched rather on an extraordinary errand to Petersburgh. He was ordered to give nothing upon paper, not even what, by a bold figure of speech, in diplomatical language, was termed "a verbal declaration in writing." He was not to insist upon any thing, but was merely to insinuate that it was necessary to concede something, in order to save the Minister's honour, and to preserve the dignity of his character. His Lordship asked, whether it was likely that the Empress, who well knew what had passed in this country, would readily consent to gratify the Minister's ambition, and fall in with his view? On the contrary, might she not say, "I know the sentiments of the "country, and to those sentiments I bear the respect that I "ought; but do I owe any thing to Administration, an Administration hostile to me from the first moment they came "into power?"

The noble Viscount begged their Lordships to see how we stood at present in different parts of Europe. We still laboured under a strong suspicion of having kindled the war between the Porte and Russia. We had insidiously professed a friendship for Poland, at the very time that we aimed at taking from her Dantzic and Thorne, the most valuable of her possessions. We

had deserted Sweden in the hour of peril, and we were now endeavouring to persuade the King of Sweden to forfeit his honour, and break his faith with his new ally. In Holland, the war was deprecated as a measure contrary to every principle of sound policy. His Lordship laid great stress on these points, and urged the necessity of Parliament's continuing to sit a fortnight longer. He hoped, therefore, that the motion of his noble friend would be carried; but should it fail, he flattered himself, from circumstances that had fallen within his knowledge, that in a few months, as the Minister had lately talked to them of a war of necessity, they should hear him (and he owned it would be to him abundantly more satisfactory) plead for a peace of necessity.

Lord *Carlisle* differed from the noble Secretary in thinking there was nothing new in the address or arguments of his noble friend. Did the noble Secretary of State think the motion not a new measure? Had they before addressed His Majesty not to prorogue the Parliament? The Earl declared, he had not much attended the House lately, but he did not think their Lordships could have voted a formal resignation of their right of advising the Crown in all cases of emergency. It was, he said, when Ministers, from motives of personal ambition, were about to involve the country in a war, that they should beseech His Majesty not to keep in view the feelings of individual pride, or individual mortification, but to consult the wishes and welfare of the nation in general. It was in order to step between Ministers and their resentment, and to save them from themselves, that he wished the House to sit a fortnight longer. If Ministers obtained their object, and the Parliament were prorogued as soon as was talked of, when the messenger came back, Parliament indeed would not be sitting; but would Parliament have forgot this sort of conduct, or would the public have lost sight of it? Undoubtedly they would not; the Minister had provided them with too impressive a *memento*, viz. the expence of the armament, which they would feel too seriously, suddenly to let it slip from their recollection. His Lordship adverted to the inconveniency occasioned by pressing. He was aware, he said, that at the commencement of a war, that means of manning the navy was constitutional and recognized by act of Parliament. He knew it to be necessary, but it ought only to be resorted to in cases of emergency. Indiscriminate pressing, when war was uncertain, would only harrass the public, and defeat the use of that mode of obtaining men when they were actually wanted. The expence of pressing was, he observed, a very serious one. He understood, that every man sent on board

Earl of Carlisle.

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ſhip coſt the country from ſixteen to twenty or twenty-five pounds. His Lordſhip added a few more obſervations.

Marquis of Lanſdown. The Marquis of *Lanſdown* ſpoke in favour of the motion, which he was ſure could not be objected to, upon any reaſonable and proper grounds. He argued the impropriety of diſmiſſing their Lordſhips, and ſending them, and Members of Parliament, into the country to their conſtituents unprepared to ſatisfy their minds, and reconcile them to the expence that has been incurred, and the burthens that they muſt conſequently bear. He reprobated what he termed the ſhameful precipitancy with which great public meaſures had been hurried through both Houſes, in order to enable Miniſters to get rid of the Parliament. He mentioned the corn bill in particular, to which, he ſaid, he wiſhed to have ſpoken, but he had not time to make himſelf maſter of the ſubject. He mentioned alſo the bill relative to the civil liſt, viz. that for allowing the Duke of Clarence twelve thouſand a year. He declared, he was willing at all times to give largely and liberally to the younger part of the Royal Family, but the act in queſtion, required more diſcuſſion than the period of the ſeſſion would allow. There had been, he ſaid, a monſtrous profuſion in the civil liſt, that made it impoſſible for it to bear the expences that properly belonged to it.

With regard to Ruſſia, his Lordſhip ſaid, our interference was not only impertinent, but he believed it unneceſſary; and if report ſaid true, the Empreſs had made her peace without any regard to us whatever. She had made peace with a juſt regard to her own character and importance, which ſhe had ſo well ſuſtained on every great occaſion. Thus, he ſaid, we were likely to feel the poignant mortification of being forced from one extreme to the other, and to find, that ſo far from being looked up to as the dictators of terms, we were conſidered as perfectly inſignificant and unworthy of any ſort of notice.

His Lordſhip contended, that it was for the advantage of Miniſters peculiarly, that Parliament ſhould continue ſitting. Could they, he aſked, be ſecure of the approbation of Parliament, after they had taken meaſures which Parliament knew nothing of? He ſpoke of our breaking up in the Eaſt Indies, and reprobated the doctrine that India was more likely to aid us, than we them, as a deluſion the moſt preſumptious that ever was reſorted to. He ſaid, our general conduct had been ſuch that we began to loſe reſpect in every part of the world, and he declared, that he ſhould not at all wonder that this adminiſtration which had taken ſo high a tone in other Courts of Europe, was driven to a baſe ſubmiſſion themſelves. Even that petty power, Portugal, had

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dared to cast an high affront upon us, driven away our ships from a settlement belonging to this country for centuries, and marched 3000 men to attack it. The settlement to which he alluded, (Angola we believe) his Lordship said, was one that we had a much better right to than Nootka Sound; and would Portugal, he asked, do this, unless she was secure of the Court of Spain? He commented upon this fact, and said administration appeared to be in a hurry to make a distribution of a profusion of honours and employments, and get over individuals to join them, and espouse their interests.

The Marquis said, he did not recede from a former opinion which he had once declared, viz. "That the influence "of the Crown had increased, was increasing, and ought to "be diminished;" he held the same opinion at that moment; but he thanked God, he could add, that the influence of public opinion was likewise increasing, and public opinion was decidedly against war with Russia, as Ministers would find to their cost if they meant to involve the country in a war, under an idle, but novel pretence of opening the Vistula, and getting the objects of the Russian trade through that channel.

Lord *Grenville* rose in consequence of what had fallen from the noble Marquis, with whom he said, he was happy that he could agree in what he had said towards the latter end of his speech, viz. that popular opinion must govern the conduct of every administration. The present administration, of which he had the honour unworthily to form a part, his Lordship said, ever had and ever must depend on popular opinion. It never could have any other basis but public opinion; but anxious as he must be to stand well in the public opinion, his Lordship said, the rectitude and consciousness of his own mind could not be biassed by public opinion; which might be wrong and think worse of Ministers than they deserved. **Lord Grenville.**

Having declared, that he should be the most disgraceful and despicable of men, if he pretended to disregard public opinion; his Lordship said, that without saying more of himself, he could answer for that right honourable gentleman who was at present placed at the head of administration, that his conduct had been uniformly such as to merit the favour of public opinion, and that he has established his claim to public opinion on the best and most solid foundation, viz. the directing all his measures to the sole object of the public good.

With regard to all that had been said by the noble Earl, who made the motion, by the noble Marquis, and the noble Viscount near him, on the state of foreign affairs, those

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noble Lords, he said, had spoken on the information that was to be picked up in foreign Gazettes, and from their own suppositions; and they well knew they might range that field at large, because, from the delicacy of the subject, it was impossible for any man engaged in His Majesty's service to give an answer to what they said, without departing from the essential duty of his situation, and actually betraying his public trust.

With regard to the charge of precipitancy, with which, it was said, public business had been hurried on, his Lordship said, he knew of no grounds for such a complaint. Excepting only in the single instance of the corn bill, there was not a subject that called for discussion, or on which discussion had been desired, which had not been fully discussed. With respect to the corn bill, he had before stated that if there was any fault, it lay not with Ministers. The House of Commons had thought proper to send so important a bill to their Lordships at that late period of the session, because, if it had not been agreed to by their Lordships, the existing act of Parliament would have expired, and the country would have been left without law upon a point of infinite importance to the general interests of the kingdom.

The noble Marquis, his Lordship said, had been pleased to talk of the influence of the Crown, and to say that he still thought it ought to be diminished. The only answer that he could give, was, to ask of the Marquis if such was his opinion, how it happened that they had heard so little of any attempt to diminish the influence of the Crown during the noble Marquis's administration? For his part, Lord Grenville said, he had no scruple to declare his opinion, that the influence of the Crown required no farther diminution at present.

In answer to the arguments of the noble Marquis respecting the prorogation of Parliament, it occurred to his recollection that a more important negotiation had been pending ten years ago, and that the meeting of Parliament had been then adjourned in order to let that negotiation take its course unembarrassed by the interference of Parliament. The present appeared to him to be a parallel case. With regard to the present motion, his Lordship said, though the shape of the motion was new, the subject that naturally came under its discussion, was old, and nothing that he had heard in the course of the debate appeared to him to be of sufficient weight to induce the House to agree to the motion.

Marquis of Lansdown.

The Marquis of *Lansdown* rose in reply. He said, that having been so personally alluded to, he could not possibly resist a wish to intrude once more on their Lordships. With regard to the corn bill, his Lordship admitted, that the noble

ble Secretary of State's argument, was perfectly in point, if the question were, whether an annual corn bill should be suffered to elapse, without its place being supplied by a new annual bill; but it was no reason whatever, for a permanent corn bill, which was of infinite importance to the country, being passed on a sudden. He said, he had last summer taken a journey of some hundred miles through the country, and had every where found commerce, trade, and manufacture, flourishing in the most flattering degree, but that agriculture uniformly appeared to be on the decrease. His Lordship expatiated on the necessity of encouraging the agriculture of the country, and expressed great doubts whether the corn bill, that had passed, would not do more harm than good.

The noble Secretary of State, the Marquis observed, had alledged, as a precedent for the present prorogation of Parment, the conduct of a former administration in the year 1782; but that precedent, the noble Secretary must give him leave to say, was not a precedent in point, nor any thing like it. The fact then was, that a negotiation of infinite delicacy and danger was depending. France had acceded to the treaty of peace, but other powers (Holland particularly) had not; and if public discussion had taken place in Parliament, it was probable that the end of the negotiation might have been defeated, to the infinite disadvantage of the country. Peace was concluded on all hands, and then, when the danger of interference was at an end, Parliament was assembled after a very short adjournment. He heartily wished, that the present administration would follow the administration of that day in a point any way similar.

In answer to what Lord Grenville had said of his not having, while in office, carried into practice, what he had that day professed to be his opinion relative to the necessity of a farther diminution of the influence of the Crown, the Marquis said, motives of modesty, and a wish to avoid any thing like vaunting his own merits, had hitherto kept him silent, but personally invited as he had been to a discussion of the subject, if he lived to meet their Lordships in another session, he would enter fully into the detail; when he flattered himself that he should be able to give such an account of the measures which had been adopted by him for the purpose of farther diminishing the influence of the Crown, as would satisfy the most scrupulous inquisition, to those anxious to find advocates on that side of the question. The plan of what he had alluded to, his Lordship said, had been left in his office; why, like many other salutary measures talked upon, it had been neglected early in

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the exiſtence of the preſent adminiſtration, he was at a loſs to imagine. The Marquis concluded with ſaying, that when the next ſeſſion came, every thing that he could ſay, without ſeeming to wiſh to boaſt of his own merits, he would, having been ſo called upon, declare. In fact, he would explain all that was conſiſtent with modeſty.

Earl Fitz-william.

Earl *Fitzwilliam* roſe again, and obſerved, that the noble Secretary had ſaid, that no queſtion had been put, which had not been anſwered. His Lordſhip ſaid, he denied the poſition. To much argument there had been little reaſoning oppoſed. If the country were involved in a war, he begged the Houſe to recollect, that it did not depend on us to get out of it; we might be forced to continue in all the expence of warfare for the cauſe, and intereſt of our allies.

The Earl expreſſed ſome aſtoniſhment at what had fallen from the noble Secretary of State, relative to the influence of the Crown; and he was amazed to hear him ſay, that looking round, he ſaw no cauſe to warrant a ſuſpicion, that ſuch an influence did exiſt predominantly. Within theſe few years, his Lordſhip ſaid, there had been an extraordinary infuſion of power into that Houſe. He declared, he was ſtill more amazed to hear the noble Secretary ſay, that the preſent adminiſtration reſted on the baſis of popular opinion. He meant no perſonal diſreſpect to any one of their Lordſhips; but when he ſaw the noble Secretary of State, and various other noble Lords in that Houſe, he could not help admiring the aſſertion, that the influence of the Crown was not increaſed, and alſo the aſſertion that the preſent adminiſtration reſted ſolely on popular opinion.

Lord Rawdon.

Lord *Rawdon* ſaid, it would be wrong in him to treſpaſs long on their Lordſhips, particularly as his noble friend's motion had been ſo ably ſupported on one ſide, and no argument of any kind offered on the other. What induced him principally to riſe, his Lordſhip ſaid, was, what he took to be an inaccuracy of expreſſion which the noble Marquis had uſed, relative to the proviſion for the Duke of Clarence, which he thought was, if any thing, very little, and not ſuitable to his dignity He wiſhed therefore, the noble Marquis to explain, leſt an idea ſhould go abroad that he had ſaid the ſum was too much.

Being upon his legs, his Lordſhip ſaid, he would make ſome obſervations upon the ſtate of affairs, and the conduct of Miniſters, who, he thought, ſtudied to avoid, rather than to court public opinion, by their ſilence and their oppoſition to ſuch motions as that before the Houſe. As to war, they had gone too far, and failing in their demands, were obliged to turn back, but not with any additional credit to themſelves; they put him in mind of a ſtory of a

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man who was caught on the top of a garden wall, and being asked by the gardener, "where are you going?" he replied, "I am going back." Now though the man was stopped from the garden, his character received no additional lustre from the situation in which he was found; and the conduct of Ministers, on the whole of this business, he thought very like that of the honest gentleman who went to steal the fruit; nor did he think their character would be much improved in the public opinion, because they had not got leave to effect their purpose.

Marquis of Lansdown.

The Marquis of *Lansdown*, in answer to Lord Rawdon, said, he was aware that he was apt to be warm in his expressions, but he always endeavoured to consider his ideas before he put them into words. If the noble Lord had attended to him, when he made mention of the bill for settling 12,000l. a year on the Duke of Clarence, he believed the noble Lord would not have found him guilty of inaccuracy of expression, since what he had said went to the very point the noble Lord had stated to be his desire to have established, viz. that if the object were to give to the younger branches of the Royal Family, his idea was, that Parliament ought to give liberally, but that if it were to be a provision merely in relief of the civil list, it required deliberate consideration, because it was not only a transfer of a given sum, but a transfer of principle, and an acknowledgement that Parliament confessed itself bound to provide accordingly for all the younger branches of the Royal Family, which was a matter that at least ought to be determined on mature discussion.

Lord Cathcart.

Lord *Cathcart* said, he could not justify himself in giving a silent vote; he would not, however, take up much of their Lordships' time. No man, his Lordship observed, would dispute the King's prerogative in making peace, declaring war, or entering into foreign alliances. Let their Lordships look at the motion, and see what it went to. He was persuaded, that after a momentary examination, they would find that they ought not agree to any such address as that proposed. His Lordship here discussed the motion in four different points of view. Having done this, he said, as its object was, without their having any documents before them that could induce or warrant them to come to a decision to address the King to withhold the exercise of one prerogative, in order that Parliament might interfere with another, he should give it his negative.

Earl of Lauderdale.

The Earl of *Lauderdale* closed the debate with supporting the noble Earl's motion, and commenting on Lord Cathcart's speech. His Lordship said, his noble friend's motion, came forward with peculiar propriety, considering that

Parliament had pledged itſelf to ſupport His Majeſty in any foreign negotiation to an indefinite extent. Whether the armed negotiation would terminate in a war or not Miniſters alone could tell; but in anſwer to the noble Lord's argument, that the Houſe had no documents before it, to juſtify their oppoſing the motion, he ſaid, they had a document of undoubted authority, viz. His Majeſty's meſſage. His Lordſhip pointedly obſerved upon this fact, and ſaid, when he looked around him, and ſaw ſo many important matters poſtponed till Parliament was at an end, he had every reaſon to conclude that Miniſters wiſhed to ſhrink from diſcuſſion, and avoid all enquiry into their conduct.

The queſtion was negatived without a diviſion.

The Houſe adjourned.

Thurſday, 9th June.

A petition of Mrs. Hankins was preſented and read, praying to be heard on the third reading of the Birmingham Canal bill; and leave being given, Counſel were called to the bar, and heard; and being withdrawn,

An amendment was propoſed to be made to the bill, when, after a ſhort converſation, the Houſe divided;

Not Contents	—	17	
Proxies	—	15	
		—	32
Contents	—	18	
Proxies	—	9	
		—	27

Another amendment was afterwards propoſed, and, upon a diviſion, the numbers were,

Contents	—	17	
Proxies	—	8	
		—	25
Not contents	—	16	
Proxies	—	14	
		—	30

The queſtion was then put that this bill do now paſs;

Contents, 19; Not contents, 17.

A meſſage was then ordered to be ſent to the Commons, to acquaint them that the Lords had paſſed the bill without amendment.

The Houſe being in a Committee on the Corn bill,

Lord Hawkeſbury. Lord *Hawkeſbury* ſpoke to a conſiderable length on it. The ſubſtance of what his Lordſhip ſaid, was, that he approved of the bounty limited, as it is at preſent, for the encouragement of the growers of corn. He alſo approved of raiſing the export price, as it is in the preſent bill; but expreſſed the

ſtrongeſt

ſtrongeſt doubts of preventing the importation of corn till prices amount to what are ſtated in the preſent bill; thinking it a dangerous experiment, as it might materially affect our manufacturers, and diſtreſs, in the higheſt degree, the country labourer and the poor. His Lordſhip ſaid, it was a cruel and impolitic meaſure to begin by diſtreſſing theſe valuable members of ſociety, in order to force more land into cultivation; that the only wiſe meaſure of bringing more land into cultivation, would be by facilitating the arrangement of concurrent rights in commons and waſte lands, which at preſent prevent their cultivation. He was likewiſe very averſe to the difficulties at preſent thrown in the way of warehouſing corn, as extremely detrimental to the general commerce of the kingdom, and depriving the lower ranks of His Majeſty's ſubjects of a ſupply of food, which might be always ready in times of dearth.

The order of the day being moved for the third reading of the Bank Loan bill,

Lord *Rawdon* roſe, and made the following ſpeech:

My Lords,

I gave notice to your Lordſhips that I ſhould avail myſelf of the third reading of this bill, as an excuſe to throw out a few remarks on the ſtate of the finances in general. The matter being underſtood in that light, it will not, I am ſure, in point of form, be thought neceſſary that I move any preciſe queſtion It would be a point of order eaſily ſatisfied: but it would, in reality, be nugatory, as I only wiſh to urge a few obſervations for the reflection of your Lordſhips. Although the field which I have claimed be ſo wide, your Lordſhips need not fear that I ſhall run into much length. I am too well aware, that no attention can follow up a long and complicated detail of figures; I ſhall, therefore, have the policy to reſtrict myſelf to the plainer and more eſſential features of the ſubject, declining minor inveſtigation. It is with this view to perſpicuity that I ſhall argue from the data ſubmitted by Miniſters to the Committee of finance, whoſe report has been juſt publiſhed; and I beg to be underſtood as making my calculations upon thoſe documents, unleſs where I expreſsly declare my deviation. Lord Rawdon.

I ſhall, with your permiſſion, begin with a brief advertence to a point, which, without doubt, intereſts me perſonally; but which would not be obtruded by me upon you, did it intereſt me alone. It is a matter of importance to the Public as much as to myſelf. I allude to the balance between the receipt and the expenditure of the three years immediately following the eſtabliſhment of the plan for diminiſhing the national debt; namely, from 5th of January 1786 to 5th of January 1789. I had aſſerted in this Houſe, that the million

yearly, during that period, applied towards the reduction of the national debt, did not spring from an annual surplus of income after the expenditure was defrayed; but that it was furnished from extra resources. In making that assertion, I took a distinction which I think was fair and liberal. I said, that were the question, what inference was to be drawn for the regulation of your finance in future years, from the balance between your income and expenditure in those three years, nothing ought to be taken into the calculation but actual revenue. By that designation I meant to describe the permanent taxes, and those imposts, which, though annual in their form, are always resorted to; sources which furnish a constant return to the Exchequer, and the produce of which, though it will necessarily fluctuate to a degree in its amount, may be capable of tolerable computation. The question, however, was not prospective; it was a question of mere fact, whether the income of the three years had furnished the annual million? In that point of view, all accidental sums paid within the term into the Exchequer, should be reckoned as well as the permanent supplies; even, although those sums should really have been due before the period of the three years commenced. The income thus complicated I would call receipt in contradistinction to revenue. It was upon the receipt I originally argued; and I again admit the receipt as the basis of the proposition, which I now re-assert. The evidence, as exhibited by the Committee of the House of Commons, stands thus:—

	£.
The produce of the permanent taxes for the three years is stated by the Committee at -	37,797,131
To this add the estimated amount of the land and malt taxes for three years -	7,674,080
Total revenue	45,471,831
Add farther,	
Respited duties paid by the East-India Company in 1786 - - -	522,500
Imprest money repaid, and arrears of land and taxes, paid after 5th January 1786 -	476,686
Clear gain on the lotteries during the three years - - -	675,000
Total receipt -	47,146,017
Expenditure of the three years, as stated in the document (Appen. F. No. 5 of the report) subministered by the Treasury to the Committee - - - -	46,692,122
Surplus in the three years -	453,895

Thus,

Thus, simply upon the showing of Administration, the proposition which I advanced stands confirmed. For it is obvious, that a surplus of 453,895l. did not furnish the three millions which the Public was led to suppose that fund had supplied towards the liquidation of the national debt. But this evidence of my having been well-founded, as to my principal position, is not entirely sufficient. Although the proposition to which I pledged myself before the House, was, "that the annual million did not arise from an excess to "that amount in the receipt beyond the expenditure," I recollect that I let drop two other observations on the subject; and I cannot leave it doubtful, whether I ventured upon even a contingent assertion respecting so important a topic without due foundation. The first of the positions to which I allude, was, that if the expenditure were compared with the revenue for the calculation of future prospects, the deficiency would be found alarming. This is at once justified by a comparison of the amount of expenditure, with the produce of the permanent taxes and ordinary annual resources; notwithstanding, as I shall shortly show, the statement is less unfavourable for those who maintained the existence of a surplus than closer investigation will warrant. The second position was, that on the balance between the receipt and the expenditure there was no surplus at all; but, on the contrary, a deficiency. To support this, it is evidently requisite that I should invalidate some of the accounts, which form the ground work of the comparison already laid before you. I should be loath to go extensively into an arraignment of that nature; as the detail might distract attention from the main thread of argument which I wish it to pursue.—Luckily that digression will not be necessary; for where the object is only to prove that there was no surplus, the more or the less of the deficiency is immaterial. My purpose will be answered by two items: but I must make one general remark on the remainder of the account, because it involves a consideration worthy of serious attention. The accounts of the expenditure laid before the last Committee of finance, differ essentially from those delivered to your Lordships in 1789: not under the head of miscellaneous services alone, in which there might be supposed room for casual alteration in the classing of articles; but in the distinct services of army, navy, and ordnance. I am willing to ascribe the error which occasions this discordance to the want of some fixed, unalterable form for making up the public accounts; but as the effect of the variation in the latter account is to diminish considerably the amount of the expenditure for the three years, it is just the policy which would have been pursued, had the assertions which have been made in Parliament, rendered it an object to

soften

soften the prominence of evidence resulting from the old statement. And the difference between the two accounts is not trifling; for, in more instances than one, it goes on a single article beyond 170,000l. Your Lordships see how the rectification of that point would operate for my argument.—But I proceed to prove my position more distinctly. The computations of the expenditure which I just now measured against the income, are taken from the Appendix, F. No. 5, of the report of the Committee. In the year 1786, as there stated, the interest and charges of the national debt are given at 9,010,404l. exclusive of interest on Exchequer bills. In the next year, the same article is estimated at 9,276,000l. equally exclusive of interest on Exchequer bills. Your Lordships see that no debt could be incurred in the year 1786, that could add 260,000l. interest money to your charges.—But it is proved error by the separate account of the public debt of that year; which gives the interest and charges at 9,266,940l. exclusive of charges of management on the newly-funded stock of the foregoing year. The account of the Committee of 1786 would confirm the matter, were the point disputable; for that Committee also charges the article at 9,266,940l. Upon this head, therefore, there appears clearly to be an omission in the statement of the expenditure for the year 1786, of more than 250,000l. The source of that omission is curious. Finding that the outgoings of 1786 ran higher, and the revenue lower, than was expected, the Minister was obliged to help the income by taking in the additional quarter of the consolidated fund, up to April 1787, and to ease the expenditure by delaying payments. For this latter purpose it was directed by an act passed in 1786, that certain annuities, upon which a quarter's payment became due on the 5th of January, should, in future, be paid only half yearly, on the 5th of April and 10th of October. The effect of this (as the yearly accounts are computed from the 6th of January inclusive) was to throw out, in appearance, from the year 1786 that quarter which became due on the 5th of January 1787. The real consequence is, that a quarter of those annuities is carried forward, not answered by the income of the year in which it became due. The term used in describing this transaction, is not a happy one. "The public availed itself of the amount of one quarterly payment "upon these annuities." It is Government which here assumes the name of the public; and the avowal of the convenience sought suggests the supposition of an advantage taken of the annuitants. No deviation from the conditions on which such persons purchased their annuities can be just, unless it be made with the consent of the parties. Their concurrence is not specified; nor is it to be inferred, since it could

could not be for their profit to have a quarter's salary withheld. For the Committee have misapprehended the case, when they say, that by the arrangement, a quarter's payment will, in future, be made in advance to those crditors. Nothing, according to the new settlement, is to be paid on the 5th of April; but the two quarters which would have been due on the 5th of January and 5th of April on the old footing; and the quarter due on the 5th of July is not to be paid till the 10th of October. Therefore, about 250,000l. debt is regularly carried forward upon this article. Is is clear, that in making up the account of the charges on the three years, that quarter's payment which became due within the period, must be reckoned; whether it was liquidated by Government, or the discharge deferred through motives of convenience.

To that sum I will add an overcharge in the credit taken for the produce of the land and malt taxes. The amount of those taxes for the three years is calculated at 7,674,000l. that is to say, at the rate of 2,558,000l. per annum; the assumed estimate of the Committee. Now, by the account delivered from the Exchequer, on the requisition of this House, the sums really received from the land and malt taxes in the three years amounted only to - - 7,439,184

Deduct that sum from - - 7,674,000

There appears an over-charge of - - 234,816

The difference between the two accounts cannot arise from the circumstance that the militia charge is substracted from the one and not from the other; because the addition of the amount of that charge to the smaller sum does not make it correspond with the other; but this is proved more satsifactorily in another method. The deficiency of the land and malt taxes is charged in the accounts of expenditue delivered to this House in 1789, distinctly from the expence of the militia; that deficiency being added to the net receipt, gives in each of the three years a sum beyond the 2,750,000l. at which those taxes are laid by Parliament, which can only be explained by supposing that arrears paid in during that period were reckoned with the current receipt: on that supposition, by adding the deficiency and the charge for militia, and then deducting the amount of arrears received, as specified in another document, the 2,750,000l. ought to be produced. This, however, is not the case; apparently through some defect in the form of the account. But the result assures me distinctly, that the charge for militia has been deducted before 2,558,000l. is assured as the net receipt from the land and malt taxes. And, indeed, in the abstract which the Committee has published, to exhibit a comparison be-

tween your probable future income and expenditure, this position is justified completely; as the 95,000l. annual charge for the militia is there inserted among the out-goings, whilst credit is taken on the other hand for 2,558,000l. to arise from the land and malt. Now add the two sums which I have pointed out.

Omission in the charges for interest of public debt in 1786	-	-	250,000
Over-charge on land and malt		-	234,816
		Total	484,816

which extinguishes the ostensible surplus of 453,895l. and leaves my assertion proved.

I come now, my Lords, to the bill immediately before you. In pitching upon it as the vehicle for my observations, I did not chuse at hazard: I had animadversion to express upon this particular measure; though complicating it, as I now do, with other materials, I shall not expatiate upon it so largely as the subject might well deserve. My objection applies to the mode in which we know this loan to have come forward. Had it been a voluntary agreement with Government, on the part of the Bank, there would not have been any thing to have said against it. But the shape in which it presents itself, is this. As one of the resources to defray the expence of the armament against Spain, the Minister points at the unclaimed dividends accumulated at the Bank. The Bank pleads, that the advantage of having these dividends suffered by the owners so to rest in their hands, is one great inducement to their bargain with Government for undertaking the payment of the interest on the national debt. The plea is contemned; yet the resistance compels reflection. A reluctant sense of the dangerous wound which must be given to public credit by perseverance in the original measure, causes terms of accommodation to be suggested. The composition proposed is exactly this: "Offer us a loan of 500,000l. or "we will, by the hand of power, wrest from you a much "larger sum." There is no need for comment on the tone of this extortion. The spirit of the original attempt, however, is not veiled by that compromise: therefore let two words be addressed to that point. It is the magnitude of those balances, suffered by their right owners to sleep in the Bank, which enables the corporation to accept Exchequer bills, &c. to the amount that now takes place: consequently, Government counteracts its own material convenience in striking at that fund. But this is a consideration trifling, in comparison to the shock which the measure must have given to public credit. It has, I know, been urged, (you shall judge how fallaciously) that the right of the public creditor was not to

be impaired, nor was even his ſecurity to be altered; his title to the ſum remained the ſame, though the money was removed from the Bank to the Exchequer; and Government ſtood, juſt as it did before, in the light of his debtor. To this I anſwer, that ſoliciation at the Exchequer, and demand at the Bank, are very different proceſſes. The Bank, for a certain allowance and contingent emoluments, undertakes to pay for Government the intereſt to the public creditors, at the period when it ſhall become due. By this contract, although Government is the ſecurity to the Bank, and the ultimate ſecurity to the public creditor, the latter, in the firſt inſtance, has his remedy directly againſt the capital of the Bank; and ſo diſtinctly, that it aſſures him againſt the apprehenſion of delay in payment. Will it be aſſerted that reſponſibility is ſimilarly defined, or punctuality ſimilarly impoſed, with regard to the Exchequer? Let Adminiſtration ſpeak for themſelves to this point, in the document which I am about to lay before you. Your Lordſhips are aware, that exactitude of payment of the intereſt, no leſs than facility in the transfer of the capital, is the inducement for moſt perſons, who have to live on the intereſt of certain ſums, to place their money in the public funds, rather than on private mortgage; in which laſt mode, the ſecurity for the capital would be as good as in the former, and the intereſt higher.—Now obſerve how this expectation is anſwered towards thoſe who have to look to the Exchequer inſtead of the Bank.—When the tontine loan took place, the annuity was not to commence for a certain time: but till the term of its commencement, the ſubſcribers were to be allowed 4 per cent. on their money. By the act eſtabliſhing that loan, a year and a quarter's intereſt, at the above rate, was to become due on the 10th of October, 1790. I have in my hand the Gazette of the 8th of March, 1791, in which there is a notification from the Exchequer, that the intereſt due on the abovementioned 10th of October will be paid on the 11th of March. Here is a delay of five months in the payment of intereſt to be received from the Exchequer: after which proof, I ſhall not, I imagine, hear it argued in this Houſe, that a claim on the Exchequer or on the Bank are equally eligible.

The mode in which the Bank is to be indemnified againſt any inconvenience that might ariſe from this loan, leads to another important conſideration. The loan is ſuppoſed to be furniſhed out of the dividends lying unclaimed at the Bank. If thoſe dividends happen to be ſuddenly demanded, as they may be, Government is authoriſed to iſſue to the Bank, Exchequer bills to the amount of half a million. This perpetual recurrence to Exchequer bills makes it fitting that your Lordſhips ſhould advert a little to their nature, and to

their employment. As soon as the land and malt taxes are granted, the Bank agrees to accept Exchequer bills, on the security of the produce of those taxes, to the amount of 2,750,000l. The produce of those taxes is however, notwithstanding, received into the Exchequer, and applied to current expences; an annual settlement of interest only being made with the Bank, and the bills replaced by a new issue on the same footing. But the Bank likewise accepts farther bills from the Exchequer, resting only on the general credit of Government. These latter bills may be compared to the notes of hand which an individual would give on his general credit, without any specific fund for their discharge. Your Lordships see that there must be some point beyond which the Directors of the Bank cannot, in honesty to their constituents, proceed in the acceptance of these bills, Hence, I entreat you, reflect on the inexpediency of approaching that point in time of peace. When the sudden necessity of armament presses upon you, the resource of Parliament is a vote of credit. Exchequer bills, to the amount of the vote, are issued: but if those bills have not currency, which would be the case if you had previously loaded the Bank with as many as it could bear, your vote of credit would be nugatory.—Your Exchequer bills may be said to have no currency but through the medium of the Bank: for, could you otherwise apply them to the objects of immediate demand, it would be under a depreciation that would be ruinous. Feel how serious it is to destroy, by an unwise use of it in profound tranquillity, that resource which is your most ready and efficacious supply in the hour of difficulty. You have now, as it were, established 5,500,000l. of Exchequer bills as an unfunded debt, systematically carried forward from year to year. I shall presently have to notice a part of that sum. For the moment it will only be necessary to add, that your navy and victualling bills being, to a heavy amount, bought up by the Bank, the load is thereby materially augmented, and the capacity of acceptance in the Bank obviously diminished.

These preliminaries, my Lords, have opened the view to a juster consideration of the immediate state of the finances at large; as that state is offered to you by the balance, in point of fact, between your income and your expenditure, for the five years, from the 1st Jan. 1786, to 1st Jan. 1791. In arguing the subject, I shall take the sums as Administration has stated them; though, in the expenditure, they are, for the first three years, subject to all the observations which I have already made upon them.

Accord-

According to the documents which were subminiſtered to the Committee, "the ſums "applicable to the public expences in the "five years" amounted to —	88,040,055
The expenditure by the ſame ſtatement, including the ſums paid towards liquidating the public debt, amounted to ———	88,116,916
So there remained unſatisfied, only —	76,861

To this ſtatement I ſhall object: and I ſhall do it upon the ground which ſecretly occurred to the Miniſter when he quitted the ſimple exhibition of income, and adopted the ambiguous expreſſion of "ſums applicable to the public ex-"pences." I ſhall argue, that certain of the ſums, for which he has taken credit, were of a nature not to be applicable, in the point of view in which he has exhibited them, to the ſervices of the five years in queſtion. I ſhall firſt enumerate the ſums which I ſhould, on that principle, ſubſtract, and make the deduction, in order to ſhew how I think the balance really ſtands: I will afterwards give the reaſons for ſtriking off each particular ſum; as in that mode I ſhall leſs embarraſs the perſpicuity of the meaſurement.

I then deduct,

Monies in the Exchequer, 5th Jan. 1786	£.1,172,119
Army Savings in ditto, 5th Jan. 1786	492,378
Intereſt received for money lent abroad	34,000
Tontine loan — —	1,002,140
Total	2,700,637

Before this ſum be ſubſtracted from the amount of the receipt for the 5 years, the over charge for land and malt, which I noticed in the account of the three years, ſhould be deducted.

Suppoſed income of the five years	88,040,055
Over-charge for land and malt	234,816
Deduct	2,700,637
Remains—real income	85,104,602
Expenditure of the five years, with the addition of 250,000l. intereſt of public debt, omitted in the account of 1786 —	88,366,916
Deficiency	3,262,314

Still it is inconteſtable, that in the five years the ſum of 4,750,000l. was paid to the Commiſſioners for reducing the public debt. Now from that ſum muſt be deducted that which,

which, it appears, the income of the five years could not furnish.

Applied to reduce debt — —	4,750,000
Deficit of income in the five years	3,262,314
	1,487,686

It is thus shewn, that about one million four hundred and eighty-eight thousand pounds was all that could be dedicated to the reduction of the national debt from the actual income of the five years; including in that income all contingent receipts which did really fall in within that term; and as those contingent receipts, under the heads of Respited Duties, Imprest Money re-paid, and Army Savings, amounted to 1,597,955l. you will observe, that without their aid, the income could not have furnished any part of the former sum. The difference between that sum and the four millions seven hundred and fifty thousand pounds must have been furnished from extra resources. The quality of those extra resources is, therefore, what I have now to examine: and the result of the investigation will determine whether I have proceeded on just grounds in classing, as extra resources, those sums which I have deducted from the statement of income.

I recapitulate them,

Monies in the Exchequer previous to 5th Jan. 1786 — —	£.1,172,119
Army Savings similarly circumstanced —	492,378
Interest on money lent abroad — —	34,000
Tontine loan — — —	1,002,140
	2,700,637

On the first of these I must inquire, with some surprize, why we never, till of late, when the question was so hard pressed in this House, heard of those monies in a specific aggregate? That there were in the Exchequer balances remaining from certain heads, after the services were discharged to which those funds had been appropriated, was known: their amount was not. Why, when it was of this magnitude, was it not brought forward as a sum? I mean not to impute that there was any disposition to employ this money in a manner not advantageous for the public, much less to intercept any of it from the national service. But that which I distinctly charge from the face of the transaction, is, an attempt to confound this sum with the income arising from the sources properly belonging to the term posterior to the 5th of Jan. 1786. The inference which it was hoped the public would draw, if the attempt succeeded, was, the improved condition of the finances in the hands which then managed them. This sum was insinuated by petty portions in the grants subsequent

ſequent to January 1786, under ordinary titles of ſurplus remaining from ſuch or ſuch a fund, that excited no curioſity or inveſtigation. The motive of that policy is plain. Had this ſum been acknowledged, in its extent, as exiſting when the Committee of Finance publiſhed their report in March 1786, the obſervation reſpecting it was ſo obvious, that it could not have failed being urged on the occaſion. "If "there be (it would have been ſaid) above a million in hand, "you never can pretend to carry that forward for the ſervice "of this year: becauſe the plan which you have produced for "the reduction of the national debt goes upon the diſtinct aſ-"ſumption, that the balance between the annual income and "the annual expenditure, will leave a ſurplus adequate to your "object. You inſiſt upon this in contempt of all our doubts; "therefore you cannot need extraneous aids to ſwell that in-"come. And, indeed, you have made a fallacious ſtatement "of the condition of the country as to its debt, if, having this "ſum in hand, you do not give the public credit for it in your "computation. The natural deſtination for that ſum would "be to extinguiſh with it a portion of the navy bills, or "other unfunded debt, charging the country ſo much leſs "in the burden which you hold out to them: for you, in-"diſputably, would not wiſh the debt to appear a million "greater than it really is, in order that you may have the "higher merit in ſeeming to alleviate their diſtreſſes."—Such, my Lords, would have been the inevitable comment which muſt have prevented this ſum, had it been acknowledged, from being confounded with the future income. It is owned, that the monies were in the Exchequer previous to January 1786: the ſum was then a conſolidated poſſeſſion which ought to have been balanced, as far as it went, againſt the debt; at leaſt it ought to have been ſtated in ſo diſtinct a manner, as to have been regarded in the light of a remedy againſt any part of the floating debt that might become inconvenient. Whatſoever was the reaſon that it was not then proclaimed, now that its nature appears fairly to you, I think the concluſion irrefragable, that it never can be admitted as a part of the income of the five years to be meaſured againſt the expenditure of the ſame period.

The caſe of the ſecond article, the Army Savings, ſtands preciſely on the ſame ground. The whole amount under that head, applied to the ſervice of the five years, is 1,091,147l. From this I deduct only what appears to have accrued before the period which we are meaſuring; namely, the exceſs of the ſupply for land forces in 1784, the ſame for 1785, and a ſurplus of monies voted for Chelſea Hoſpital in 1785; making together 492,378l. If that balance exiſted in favour of the public, previous to January 1786, it ought to have been

been stated in favour of the public: it was the property, already realized, of the community, and their debt was by so much the less. The debt has been diminished by the employment of that sum; but that is not the question now agitated; it might have been equally diminished by the application of that sum before the 5th of January, 1786. The sum has nothing to do with the income of the five years; upon the exuberance of which, under their conduct, the present Ministers affect to rest the proof of their superior management. This money, as well as the former article, ought to have been applied in discharging a portion of the debt, before the plan for reducing the debt by surplusses of income was set a-foot; then the latter would have stood on its own merits.

The third article was thus produced: It was judged expedient to aid the Prince of Orange with a loan of 187,000l. That sum was raised here for the purpose: it was, however, understood at the time, that this loan was not to be regarded as an addition to our public debt, because that regular payments from Holland were, by instalment, to furnish the interest, and gradually to discharge the capital. Credit is taken for the 187,000l. in the account of extra sums applied to the service of the five years; and I have admitted it upon the supposition that it is, on the other hand, charged as an expenditure; imagining it, though not specifically described, to be included under a head of 191,342l. granted in 1789, to make good money employed in secret service abroad. It is clear, that a sum remitted from Holland to defray a portion of the interest, and extinguish a part of the principal of that loan, was intercepted by the Exchequer, and applied to other purposes: consequently, we must provide, in some other manner, for the discharge of so much interest, and such a portion of the capital, as the Dutch have exonerated themselves from by that remittance. It comes then to the same thing as if we had borrowed 34,000l. the amount of that payment, from Holland; and when it is proved equivalent to a loan, it is, of course, precluded from standing as an article of income.

It would be superfluous to expatiate on the fourth article; the Tontine Loan, money borrowed to supply the deficiency of income, never can be represented as income

A question next arises, with what degree of advantage these extra resources have been applied? I mean, how far their expenditure has operated in really diminishing the public debt during the five years. The statement which I now lay before you, may enable you to judge upon this point more clearly than you well could, from the several facts as they stand dispersed in the report of the Committee.

The

The ſtock bought by the Commiſſioners up to the 1ſt of February 1791, amounted to 6,772,350l. The annual intereſt on this ſum was 203,170l.

Here it will be proper to remark to your Lordſhips, that the computation of the national debt by its capital is indubitably an erroneous mode of conſidering it. As the capital of the monies veſted in the funds cannot be demanded of Government, it is only for the regular payment of intereſt on thoſe monies, at the ſtated periods, that Government is reſponſible. In other words, Government only owes perpetual annuities to the amount of the intereſt agreed for on the depoſit of thoſe ſums; which annuities are upon certain conditions redeemable by the nation. The reduction, therefore, of the public burdens in the five years, is the extinction of an annuity of 203,170l. Let us examine how this has been compaſſed. The monies applied for the purpoſe, beyond the receipt of the five years, may be claſſed under three deſcriptions; as ſums expended, as debts acknowledged, and as debts obviouſly chargeable. With regard to thoſe two heads of debt, it is apparent that they have been thus incurred. Portions of the annual income which ſhould have anſwered certain current ſervices, have been applied to the purchaſe of ſtock. Hence the payment of thoſe ſervices was either left in arrear, or ſupplied by reſources which entailed debt in ſome other ſhape. It muſt be underſtood, that every annual ſervice is defrayed before a ſurplus can be reckoned: therefore, the application of any ſum to the purchaſe of ſtock, leaving, thereby, a ſervice undiſcharged, was tantamount to borrowing that ſum in order to make the purchaſe; and, in that light, the amount of the debt ſo incurred is here to be conſidered.

The detail and amount of thoſe extra reſources will ſtand as follows:—

Sums expended.		£.
Money in Exchequer, previous to Jan. 1786		1,172,119
Army Savings previous to ditto —		492,378
Intereſt money from abroad — —		34,000
Tontine Loan — —		1,002,140
		2,700,637
Debts acknowledged.	£.	
Navy — —	457,950	
Deficiency of Grants —	80,590	
Ordnance — —	61,909	
		600,449
Carried forward		3,301,086

Brought over - £.3,301,086

Debts chargeable.

	£.	
Additional Exchequer Bills -	750,000	
Anticipated Quarter of the Confolidated Fund - -	628,982	
		1,378,982
Total		4,680,068

In explanation of the firft defcription, nothing need here be added to the illuftration which I before gave of thofe fums.

Upon the fecond head, the acknowledgement of Minifters leaves no occafion for obfervation.

The third head requires more dilatation; becaufe both the articles contained in it have been the fubject of repeated controverfy. The queftion on the Exchequer bills ftands thus. In funding a part of the floating debt in 1784, the outftanding Exchequer bills were left at 4,500,000l. In the year 1785, the Minifter applied to Parliament for leave to iffue an additional million. This could not be to anfwer any preffure in the current demands of the year, becaufe your Lordfhips know the income did, in that year, exceed the expenditure by more than 900,000l. It could not have been recommended by the refult of the preceding year, for that alfo had produced a large furplus. In fact, it does not appear that more than 250,000l. from that million was applied within the year 1785. The conftruction, therefore, to be put upon the requeft to Parliament for that million neceffarily is, that it was intended as a provifion for extinguifhing fome other unfettled charge, whofe form might render it more troublefome, than an addition to the amount of Exchequer bills. I have at this moment in my contemplation the navy debt; any part of which that remains undifcharged fo long as (according to the cuftom of the department) to become entitled to intereft, grows very burdenfome. No application of this nature appears with regard to 750,000l. of the million in queftion. Be it here obferved, that a diftribution paper, as it is called, marking the dates at which portions of the million were iffued, could not decide the point; for it is clear that the whole million might have been iffued in payment of the current fervices of the year, and the income naturally applicable to thofe fervices might, to the fame amount, have been with-held; which would produce the fame effect of keeping the additional fum in hand; confequently, no part of the million can be deemed to have been expended beyond what fhall correfpond with the amount of demands liquidated, diftinct from

3 the

the balance between the ſervices and the receipt of the year. In 1786, that additional million was carried forward in the new vote of Exchequer bills. Seven hundred and fifty thouſand pounds, therefore, were thrown into the credit of that year. When the Miniſter brought forward his plan for the reduction of the national debt, upon the ſuppoſition that there would be an annual exceſs of income beyond current demand, had he then applied to Parliament that he might add 750,000l. to the debt under the head of Exchequer bills, in order to produce the exceſs which he propheſied, the propoſal would have been held laughable. The weakeſt capacity would have diſcovered that, if the exceſs could not be ſecured without ſuch an aid, the expected ſurplus was viſionary.— To borrow by way of exhibiting a ſurplus, would have been a deluſion too groſs to have paſſed on any underſtanding.— Now, practically the carrying forward that ſum of 750,000l. in Exchequer bills, comes to the ſame point, although it was not abſolutely granted within the term. If thoſe bills are ſuppoſed to have exiſted as a ſum in the hands of Government at the opening of that plan, (and there is no proof of their expenditure previous) they are ſubject to the ſame remark which I have made upon the other monies exiſting in the Exchequer, when the ſtatement of its debts was expoſed to the nation by the Committee in 1786. Of courſe, it muſt juſtly be charged as an extraordinary ſum ſunk within the five years.

The anticipated quarter is thus circumſtanced; the account of the conſolidated fund uſed to be made up to Chriſtmas.— In 1786, the Miniſter, having appropriated to the ſupplies the quarter's income of that fund, accumulated upon the 5th of April, took four quarters more up to the 5th of April 1787, for the ſervice of the year 1786. Thus, to anſwer four quarters expenditure he applied five quarters income.— The amount of the fifth quarter thus anticipated, was 628,982l. Take this ſum in what light you pleaſe, either as a ſum already accumulated, at the diſpoſal of Government, or as an anticipation of revenue, it cannot be admitted as a portion of the natural income of the years in queſtion. If it is to be conſidered as an accumulated ſum, always at the command of Government, it ought to have been ſo ſtated by the Committee of Finance in 1786, and the nation ought to have had credit to the amount. If it be regarded as an anticipation of revenue to which the quarter's expenditure is not brought up, it is obvious that there is, by that means, a quarter's debt conſtantly carried forward. This debt has been added clearly within the five years. The ſum, therefore, by the ſinking of which, this debt was entailed, muſt be charged either under this head, or under the head of money in the

hands of Government, previous to the eftablifhment of the plan for the reduction of the national debt.

The conclufion which I propofe to draw from this ftatement, is, that nothing, whatever, has hitherto been effected towards diminifhing the public debt, by furplufes of income. I have reprefented the extraordinary fums expended, under the three feveral heads, to amount to four millions fix hundred and eighty thoufand pounds; a total nearly approaching to the entire fum paid into the hands of the Commiffioners. This, your Lordfhips will take notice, was not ftock, but folid cafh. At four and a half per cent. the intereft on this fum would be — — — £.210,600
The Commiffioners have reduced the annual demand on the nation for intereft — 203,107

It here appears that you have only extinguifhed an annuity of two hundred and three thoufand pounds, by the annihilation of a fum, the return from which would, in the common courfe of intereft, have been fuperior. That the 4,750,000l. applied by the Commiffioners, has not expunged an intereft greater than what the 4,680,000l. is rated to produce, arifes from this circumftance: that in the conftitution of the plan for reducing the public debt, there is a tendency (which fhall be explained prefently) to keep up the price of ftock in the funds beyond its natural relative value; fo far clogging the operation of the meafure.

Were the confidertion to ftop here, I fhould have troubled your Lordfhips to little purpofe, I fhould have only indicated what muft, from the uncertain foundation of fpeculations in finance, too frequently happen, that the public had embraced a delufive expectation, under which confiderable fums had been applied, not very advantageoufly: but we have to look forward; and it is incumbent on us to form from paft experience fome judgement for the regulation of our future conduct. The principle of calculation which feems leaft liable to error is, that we fhould embrace a period which may give room for all the contingencies ordinarily affecting income and expenditure. Let us, therefore, draw an average from the accounts of the five years, as they have been exhibited by Adminiftration.

	£
Produce of permanent taxes for five years - -	65,303,877
Land and malt taxes, at 2,558,000l. per annum - -	12,790,000
Gains on the lottery for five years	1,212,692
	5)79,306,569

Average

		£.
Average		15,861,313
Expenditure, adding 190,000l. for two years militia - -	79,274,923	
Deduct secret service money - -	187,000	
	5)79,087,923	
Average		15,817,584
Remainder -		43,729

Out of this sum of forty-three thousand seven hundred and twenty-nine pounds, the annual million is to be provided.— I entreat that your Lordships will be pleased to advert to the ground on which I have formed this estimate. I have given the amount which flowed from each head of usual yearly produce, just as it is stated from the Exchequer. I have made no deduction from the receipt for 190,000l. evidently anticipated on the rum duties in 1790. The rum, on its importation, pays no duty; it is lodged in the King's warehouse; the merchant takes it out by quantities as there is demand for it; and, in proportion as he takes it out, he pays the impost.— Part of the provision to defray the expence of the late armament was an additional duty on rum, to take place in January 1791. The act imposing this duty passed in November 1790; in consequence, every merchant who had rum stored, took it out in the ensuing month to escape the new tax. I called for the return of the duty paid upon rum in last December, and in the corresponding month of the former year.— The duty of last December, on that article, exceeded the former by above 190,000l. This is, evidently, an anticipation of part of the income of 1791; because, in the ordinary course, the rum would not have been taken out till after January 1791, when the 190,000l. would have stood part of the income of that year. In like manner on the expenditure side, I have not made any addition in respect of the 250,000l. the payment of which was deferred in 1786; although it is plain, that in a calculation for future years, four quarters payment of interest on the public debt must be computed in each year; and I have deducted 187,000l. the sum lent abroad, because I suppose it to be included in the expenditure, under the head of Secret Service Money; and as I do not reckon the sum in the income, the employment of it should not be charged in the outgoings.

I know that an average drawn from the five years has been opposed, upon the professed plea, that the first of those five years fell remarkably short in point of income; and that the second.

fecond, likewife, was ftill below what had been the expectation. It may be the intereft of a Minifter to inflate the appearance of the finances under his management; but it never can be the intereft of your Lordfhips, or of the public, to embrace any felf-delufion on fo momentous a fubject. If thofe two years were inferior in income, to what may, hereafter, be fairly expected; let it be remembered, on the other hand, that the latter years have been attended with circumftances of advantage, which muft be confidered as accidental and tranfitory. A part of Europe has been engaged in war; other powers have been convulfed with internal troubles; and, in others, the activity of commercial enterprife has been checked by the apprehenfion of fimilar diftreffes. Enjoying the inappreciable bleffings of a peace, which I hope we fhall not wantonly caft away, we have drawn emolument from the difficulties of all thofe nations. We have either directly fupplied the wants, againft which thofe countries had not leifure to provide by their own exertions, or we have had the factorage, on all the mercantile intercourfe of the better part of Europe. The adventitious increafe to your income from cafualties fuch as I have ftated, will be wholefomely balanced (if we are in earneft in our fearch for a juft ground of expectation) by thofe deficiencies, which, having occurred once, may occur again. It is evident that a war muft materially affect thofe fources of affluence, whence this nation has latterly been able to pay fuch prodigious fums into the Exchequer; and many other incidents may be imagined that would fimilarly reduce the amount of income. You cannot then, upon this ground, expect that your receipt fhall, after the annual charges are paid, furnifh you with the million deftined to the diminution of the national debt. And this view of the fubject is confirmed by the obvious confideration, that many of the fountains which have fupplied the deficiency of your annual refources during the five years are entirely exhaufted.—Of thefe, indeed, the Army Savings, and repayment of Impreft monies, are the only ones which might bear the appearance of promifing a future fupply. When their nature is examined, the hope will vanifh. They were the confequences of a war; on the great fcale of which immenfe fums were advanced upon account. The reduction which immediately on the peace took place in all your warlike eftablifhments, precluded the application of much of this money in every department: The individuals in office, to whom the fums were iffued, on making up their accounts with Government, have returned fuch portions of the money as were not demanded for the fupply of their refpective branches of fervice; but they returned them once for all. Having paid in their balances,

lances, they have nothing more to pay on that score; nor are they likely to contract new debts. You have restricted your establishments, and have measured accordingly the sums allotted for their support. The source of supply from savings or repayment of imprest money, at least, to any amount, stops here; unless the calamity of a new war should befall us, or extensive and repeated armaments should leave something to be gleaned towards ordinary services from that which the nation shall have granted for indispensable extraordinary provisions. The establishment of a fund, which has served so well in supporting the appearance of the five years, would not be very salutarily purchased on such terms.

In fact, the Minister has been aware of the conclusion that must flow from such a measurement as I have made; and to guard against it he has resorted to an expedient of a most extraordinary nature. He has given you an estimate of your expenditure for the time to come. An estimate which I confidently say, is constructed on no other principle than that on its comparison with the assumed income it shall leave a surplus. It does not even affect to give a reason in justification of its limits; and it sets at defiance all regard to past experience. Observe the detail:

	£.
The average expenditure of the navy, for the last five years, exclusive of the armaments which are separately provided for is -	2,289,907
The estimate now presented is - -	2,000,000
Difference	289,907
The average of the Army for the five years is	1,880,353
The estimate is - - -	1,748,842
Difference	13 ,511
The average of ordnance for the five years is	461,668
The estimate is - - -	375,000
Difference	86,668
The average of the five years for miscellaneous services, exclusive of the Loyalists, is -	269,450
The estimate is - - -	128,416
Difference	141,034

Thus, there is in all near 650,000l. differenee between that expenditure which experience warns you to apprehend, and that which is now arbitrarily assumed. I ask, upon what rational foundation is this estimate offered to you by the Minister? I say, by the Minister, because the Members of the Committee have distinctly declared that they did not think the

the ground on which that eſtimate was formed, a matter within their cognizance. They conceived their province to extend no farther than to the compariſon of ſuch documents as were furniſhed to them by the Miniſter; holding the amount ſtated in thoſe documents reſpectively, a matter for which the Miniſter alone was reſponſible. In this, thoſe gentlemen undoubtedly judged well; becauſe, according to the conſtruction of the Committee, they had not the means of examining the particulars which conſtituted the ſeveral ſums. And, in truth, the ſervice which they did undertake was ſufficiently laborious, and entitled them fully to the applauſe of the public for the induſtry and ability of their inveſtigation. A more perſpicuous ſtatement upon ſo intricate a ſubject has never been preſented to any nation. It is in the data alone, for which the Committee is not reſponſible, that any error can lurk. I have already charged error againſt ſome of thoſe data; I now advance my apprehenſion of it with regard to this eſtimate. In the year 1786, the Committee, upon as wide a view of documents as thoſe which have lately been ſubmitted for inſpection, eſtimated your future expenditure at 14,478,181l. The calculation was arraigned as a wild and arbitrary ſpeculation: it was, however, pertinaciouſly maintained. After an experience of five years it is abandoned; but it is not abandoned in favour of the ſcale which the experience of the five years might have ſubſtantiated. A new eſtimate is obtruded upon your credulity, reſting upon the ſame ſpecies of vague aſſumption as that of 1786; notwithſtanding a mortifying refutation of all the predictions on the ſubject, now forces you to admit an error in the ſuppoſition of the Committee of 1786, to the amount of above a million yearly on an average, or of near a million and a half in the laſt year. And what is the motive that impels the Miniſter to give into this deluſion? It is, that, having pinned the fame of his management on the production of a million annual ſurplus, the million muſt, at all events, appear to be forth-coming. Had the average expenditure of the five years been meaſured againſt the average revenue of the three beſt of thoſe years, which the Committee take as the baſis for future expectation, it muſt have appeared at once that the ſurplus million would not exiſt. The average revenue of the three laſt years was 16,030,286l. The average expenditure of the five years, deducting the charge for the Loyaliſts, which the lottery is ſuppoſed to anſwer, and deducting the 187,000l. Secret Service Money, amounts to 15,560,709l.— Obſerve that this expenditure does not include the million applied annually towards liquidating the debt; therefore, the revenue would exceed the expenditure by no more than 469,577l. Were the eſtimate of the expenditure to be taken from

from the average of the last three years, as has been done with regard to the income, the balance would be still smaller, because, unfortunately, your expenditure seems to have increased in proportion as your income augmented." I will then say to those who bring forward the present estimate, "Do you really mean to condemn your own management of "the public treasures for five years, by stating, as the extent "of that which the public service can require, a sum so much "short of that which you have actually lavished?" For the difference between what has been annually expended during the five years, and that which we are told will be sufficient for the public service, is no less than five hundred and eighty-one thousand one hundred and thirty-one pounds yearly.— But, my Lords, the circumstance which most completely overturns this estimate, is the conduct of the Minister with regard to the supplies for the current year. The report in which this estimate is ushered to the public was not yet dry from the press, when the Minister himself exploded the estimate by the amount of supply which he demanded for the ordinary service of the year 1791. For the navy he requires 2,131,000l. For the army 1,853,000l. For the ordnance 443,000l. For miscellaneous service, exclusive of American Loyalists 260,000l. making, in the whole, after a deduction of 76,000l. to be repaid by the East-India Company, 4,611,000l. This is 360,000l above the estimate, which scarcely a fortnight before he had offered to the nation, as describing the probable future expenditure under these heads. You will remark, that this demand is for the ordinary services, and has no relation to the existing armament; under the provision for which one might rather suspect some portion of the excessive charge for ordinary services would be smothered Yet one may doubt, whether, even by this demand, adequate provisions has been made for the several services; as each of the articles falls short of the correspondent article taken on the average of the five years. In the article of miscellaneous services, especially, there is reason to look forward to a heavier charge. On the average of five years, the lottery has not answered the expence of the Loyalists If that resource continues inadequate, the residue of their claims must be otherwise furnished under the head of Miscellaneous services. No provision appears to have been considered for the completion of Carlton House: a provision which must not only be expected. but in common decency desired, nay, in mere economy; otherwise, the sum already granted on account has been wastfully expended on that building. I feel no little pleasure that the report of a Committee of the House of Commons renders it unnecessary for me to enter upon those discussions on the subject, which I should have otherwise

though unaccountable. Suffice it, that the public has been distinctly informed by the Committee, how the money already granted for that building has been applied: that the Prince of Wales never assumed the direction of that sum appropriated towards the completion of an edifice, which (though the residence of his Royal Highness) is the property of the King; but caused the architect to draw for the money as it was required, accounting for the expenditure to His Majesty's Board of Works. The object of that grant being to render the habitation becoming for the Heir Apparent of the Crown, it is to be conceived that the purpose will not be dropped in the middle. If we wish, really, to form a just idea of what are likely to be our out-goings, we cannot but look forward to this among many other impending expences, for which no allowance appears to have been made in the calculation.

It may now be asked, what is the view and object of all this detail? for, if no suggestion that may be of public advantage is to be deduced from it, your Lordships' time has been unprofitably employed in listening to the statement. Surely, however, an inference of immediate importance presents itself irresistibly: I mean the necessity of adopting some principle of real and not ostentatious economy, which shall stop the growth of your expences, if not reduce them. For it is a lamentable consideration, that, in proportion as your income has been augmented by the imposition of new taxes, or a stricter exaction of old ones, your expenditure also has increased. In 1786, a tax to produce 100,000l. annually was all that was held out as necessary to insure a million surplus in each year. Year after year new burdens have been laid on the country, and the proposed effect is not yet secured. The cause is obvious: You set out with a plan of restricting your expences to 14,478,181l. annually; but, in the very next year you exceed that estimate by more than twelve hundred thousand pounds; and, in this last year, you have exceeded it above a million and a half. Had the expenditure been kept down, and the income proved inadequate to produce the million towards reducing the debt, the imposition of fresh taxes would have been accounted for to the satisfaction of every man. For there can be but one opinion as to the necessity of endeavouring to diminish the debt; though there may be much difference of sentiment, whether the present plan for effecting that object be the best that could have been adopted. To anatomize that plan, though not foreign to the present discussion, would lead me into too great extent. It is sufficient to have shewn, from the documents of Ministers, as I trust I have shewn, that you have made little progress in your undertaking; and that

you

you are not likely to make a much greater, without a positive and ferious reduction in your current expences. It is not the difappointment alone, or the dangers of delay, that are to be lamented; but the plan is attended with inconveniences that would render it highly objectionable, were there not a rational profpect of real advantage to refult from it. In order to keep up the appearance of furpluffes in the Exchequer, a thoufand little expedients muft be reforted to, ruinous to the individuals upon whom they apply: I mean the retardment of payments to the claffes of men whofe neceffities moft require punctuality of fupply; loyalifts, half-pay officers, penfioners, fervants of the State in all the different branches of employment, whofe allowance from the public is their only fupport. Another evil of the fcheme is, the delufion in which it holds the public with refpect to the funds. Heretofore, the rate of the funds was a criterion which gave fome indication of the general profperity. When the funds funk, the vigilance of Government or of the nation was attracted to difcover and remedy the caufe; at prefent the eftimation of the funds is wholly fallacious. It is obvious what muft be the confequence of the notoriety, that, at leaft, 250,000l. is to be laid out by Government every quarter in purchafing ftock whatfoever be its price in the market. The tendency of this arrangement is naturally to induce each ftock-holder to increafe the valuation which he puts on his ftock; for he argues, that if by aiming at too high a price he miffes his fale in the immediate inftance, he has the chance of the nexr quarter open to him. The effect of this is vifibly to counteract, in a material degree, the main purpofe of the plan; fince in proportion as ftock is bought by the commiffioners, that which remains to be purchafed will be heightened in price. It is from this influence that the rate of the funds is kept up without advertence to external circumftances; fo that, as you have feen, they have not been affected by even impending war.

Thefe confiderations, however, are trifling in comparifon with others. I have met perfons fo ftrangely deluded by the outward fhow of things, as to confider the magnitude of the burden under which the country labours a proof of its profperity. It is true, that a nation which had not acquired an extraordinary degree of opulence could not have fuftained fo fevere a draft upon its induftry; but the effect of thofe impofts, as counteracting that induftry and ruining that opulence, ought to be ferioufly weighed. The habits of an activity which has led to affluence, will not be at once abandoned; becaufe it will not, at once, be perceived that affluence no longer accrues to the individual from them. But it is clear, that the complication of taxes affecting every article

of sustenance must operate to repress the growing gain of the manufacturer, and of the country at large. For upon those commodities, which are to be sold in a foreign market, and the produce of which keeps up the circulation of this country, must be charged all the additional burdens with which Government directly or indirectly loads the manufacturer; otherwise his work would not make him a necessary return for his labour. Hence, the commodity offers itself at so high a price in foreign countries that it is beaten out of the market by the productions of other nations; possibly not of equal quality, but so reasonable as to extinguish the other consideration.— Add to this the political consequence which must, in some degree, follow your present system of finance. If your Lordships will turn to the items which constitute your income, you will perceive that the material increase of your revenue arises from the extension of the excise; a mode of taxation which the exigencies of the State unfortunately render indispensable, but which is, in its nature, the most vexatious, and the most repugnant to the idea of a free community that can possibly be imagined. There is not one of you, even in your situations, that are not exposed to the teazing insults inseparable from that species of collection. The habit of acquiescence, under the overbearing intrusions which the officers of excise are authorised and necessitated to make, breaks the spirit of a people in a dangerous degree, and makes them see little to be lost by entire submission to absolute power. And it is an axiom which should never be forgotten, that power is in its nature so progressive and encroaching, as not to be resisted but by general compact, and by precise definition of some boundary, which (howsoever indifferent in itself that boundary may seem) it must never be permitted to over-step. The reflection is the more material as the magnitude of your public debt enrols a body which weighs heavily against constitutional energy. They, whose support flows solely from the public funds, and whose security rests upon the public tranquillity, must support, indiscriminately, every Administration, whatsoever be their measures. For those fluctuations, on which the salvation of public liberty might depend, would, to such men, be attended with hazard of considerable diminution in the value of their possessions; therefore, they are interested both to preach and practise apathy, under every invasion of constitutional rights.

I will conclude this discussion by observing, that any Minister may increase the revenue of this country; for it is only to lay new taxes, to which the good sense and general information of the people of Great Britain will always secure a cheerful obedience. But the aim of a Minister ought to be to render such burdens of short duration, by applying their

present produce to the extinction of annual claims upon the nation. If he suffers the increased receipt to be swallowed by the augmentation of current expences, the additional sums which he raises on the public are a grievance. It must be from reform in the expenditure that any Minister shall have a right to claim credit with the nation. So far from any such reform having taken place during the five years, it is evident that your expenditure has increased immoderately; and unless some important reduction shall speedily take place, cannot fail to lead you into extreme difficulties.

Lord *Grenville* replied to the noble Lord. He entered into a full discussion on this subject, in several particulars of which he agreed with the noble Lord, and pointed out others where he conceived the noble Lord was mistaken. Having, according to his data and his principles, made out, that during those five years, more than five millions of the national debt had been discharged, his Lordship paid many compliments to the integrity and abilities of the last Finance Committee, and maintained that their report was more clear, more distinct, and more perspicuous, than any report he had ever read: and he trusted that the country would give some credit to that Administration that had instituted such inquiries, by which every subject of this kingdom might easily understand a subject of the greatest importance to every individual—namely, the real state of the finances of the country. His Lordship apologized for the errors into which the Committee of 1786, in which he sat as Chairman, had fallen, both as it was the first Committee which had ever been appointed of this sort, and as their report had been the result, not of their own inquiry and discussion, but of the estimates which they had received from the several offices. If the future expenditure should exceed the sum at which it had been estimated by the last Committee, he thought that Parliament had acquired a right to confine it within limits, or at least to demand that it should be defrayed on the footing of the ordinary establishment, but provided for by some other means. Lord Grenville.

Lord *Rawdon* replied, and perfectly coincided with Lord Grenville, in the compliments which his Lordship paid to the last Finance Committee. He acknowledged that their report was as clear and distinct as any report he had ever perused. Lord Rawdon.

The bill was then read a third time, and passed.

The order of the day being read for the second reading of the bill, intitled, "An act to remove doubts respecting the "functions of juries in cases of libels,"

It

It was moved, "That the said bill be now read a second "time." Which being objected to, an amendment was proposed to be made to the said motion, by leaving out the word "now," and inserting, instead thereof, "this day month."

The question was put, whether the word "now" shall stand part of the motion?

It was resolved in the negative.

Then the question was put, whether the words "this day month" shall be there inserted?

It was resolved in the affirmative.

Dissentient,

1st. Because we hold it to be an unalienable right of the people, that in cases of libel, as well as in all criminal cases, the jury should decide upon the whole matter that may constitute the guilt or innocence of the person accused, and that in cases of libel the jury ought not to be directed by the Judge to the defendant or defendants' guilt, merely on the proof of the publication by such defendant or defendants of the paper charged to be a libel, and of the sense ascribed to the said paper in the indictment or information.

2dly. And because we conceive that the said right of the people is of the utmost consequence to the freedom of this nation, and to that bulwark of its rights, the liberty of the press.

3dly. And because we conceive that the bill sent from the Commons is well calculated to convey a parliamentary declaration and enactment of the said important right of the people, and because we conceive every delay of such declaration and enactment to be in the highest degree dangerous to the safety of the subject.

4thly. And because we conceive that we cannot, with propriety, refuse our immediate assent to propositions which no person in the debate did deny to be salutary, and because we conceive that this delay tends to give countenance to doubts that we apprehend to be utterly ill founded, and to encourage a contest of jurisdiction that can only be injurious to the regular and impartial administration of justice in this kingdom.

STANHOPE.

For the first and second reasons,

RADNOR.

Another protest was entered against the said motion, for the following reasons:

Dis-